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## OF WHAT DOES MUNICIPAL ADVANCE CONSIST?


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*Philadelphia*


THERE has grown up within the past two or three years a controversy, in places fierce and violent, over the question "Shall public utilities be controlled by a state or local board." Without trespassing upon the functions of the franchise committee of the National Municipal League which has discussed the pros and cons of this perplexing problem, suffice it to say the question is not: Shall there be public control or none: but as to the form of that control. It is now generally conceded that public utilities, and chief among these are municipal utilities, must be carefully supervised and controlled so that the rights of the communities and of the users may be adequately protected.

*That* is municipal advance, for twenty years ago the principal phase of the franchise question to be discussed was "Have the city and the citizen any rights which the corporations enjoying the franchise are bound to respect." Then, the subject of municipal ownership and operation of public utilities was largely regarded as an academic one. Today the city of San Francisco is successfully running a street railway, and planning to extend it in many directions, the necessary money having been voted directly by the people. Detroit is taking steps in the same direction, its electors having voted by a large majority so to do. Toronto is apparently on the threshold of a similar policy.

The constitutions of certain states of the Union require a referendum on all municipal bond issues; some on all above a certain percentage. Others require a majority, some a three-fifths majority; while some, notably Maryland, require in addition special legislative sanction.[2]

[1] Nineteenth Annual Review of the Secretary of the National Municipal League.

[2] The following states require that all propositions for municipal issues shall be submitted to the qualified electors of the municipalities: Alabama, California, Colorado, South Dakota, South Carolina, Oklahoma, Idaho, Missouri, Kentucky, West



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The placing of these safeguards around municipal bond issues, of course adds to their security; but over and above that important consideration is the still more important one of bringing home to the electorate its duty and obligation to provide the ways and means for carrying forward progressive, municipal policies. If our cities are to be really progressive and protective, and are to be truly democratic, then the electorate must have a voice, and a direct voice, in the determination of policies.[3]

*That* is municipal advance.

A further development of this democratic participation in the financial transactions of the city, is to be found in the recently adopted methods of disposing of bonds. St. Paul, Minn., had ready and waiting for sale paving bonds, bearing interest at the rate of 6 per cent. Notwithstanding the high rate it was found difficult to market them, owing to certain legal technicalities. The city needed the money, and while the city officials were debating what was to be done, one of the large department stores saw in the situation an opportunity to do something novel, attract attention, and at the same time to do its customers and the city a real service. Its heads went to the city officials and secured (a local trust company in the mean time having taken a part of the issue) half of the bonds. Thereupon it announced through the local papers that it would sell the bonds over its counters at the price paid for them. Furthermore, it agreed to guarantee the bonds, so that in case legal difficulties did arise and any of the purchasers wished their money refunded, they could get it for the asking.

These bonds were disposed of as fast as the clerks assigned to the duty could take the money and issue the necessary receipts. The average purchase was about $250. The actual time consumed in the entire sale was less than five hours, and scores of people went away disappointed that they had not come in time to obtain a share of the securities.

The money came from the postal savings banks, from local savings banks, and from home hoardings. James J. Hill expressed himself as interested because the sale showed clearly that the public could finance their own public improvements, and as a result would take a personal interest

Virginia, Texas and Utah. The following states require a referendum for all issues in excess of a certain percentage of the assessed valuation: Georgia, Iowa, Virginia, North Dakota, Michigan, Pennsylvania and Washington. Three states—Oklahoma, Washington and West Virginia, require a three-fifths majority for the sanction of all municipal debts. New York's constitution requires a vote on state issues, but not on those of cities. Texas requires all issues to be registered in the state comptrollers' office, and such registration is the guarantee of their legality.

[3] There may be, and in certain sections, there is a tendency to overwork the idea of the initiative and referendum. In other places the procedure is costly and clumsy; but experience will serve to solve both of these problems of detail and use.

in seeing that they were well done. A city financier said that "every dollar brought out of hiding by the sale was worth five dollars of credit."

A story to the same effect comes from New York where city bonds were placed on sale by one of the large department stores. The manager said the sale demonstrated that women who decline to patronize banks or bond brokers, because of their reluctance to enter the precincts of exclusively financial business, are eager to make investments when it can be done in environments to which they are more accustomed.[4]

The firm made no profit on the transactions, the sale being held for the sole purpose of accommodating customers, especially small investors, inexperienced in investment matters.

An increasing number of cities are selling their bonds in small lots, directly to their citizens "over the counter." New York sold $65,000,000 of its bonds in this way, not long since, which experience led the *Financial World* to say editorially:

> One feature about the bids that is worthy of mention is the fact that a cautious attitude is displayed by all the big bankers or bank syndicates. Their bids were generally at par, the lowest figure that could be accepted. This indicates that these bankers, being in close touch with investment conditions at all times and the world's money markets, have found new capital supplies exceedingly scarce. The smaller bids were generally at a higher range, reflecting a more confident feeling as to the future among the smaller holders of capital. They realized the attractivenesss of the offering, which being tax exempt really gives the new bond an added feature, which few other similar issues possess. . . . The city administration, recognizing the true situation, offered its obligations on a bargain basis, and got the money and could have got more. When people will buy bargains there is no need to despair. It is only when bargains are turned down that the situation takes on a serious aspect.

*This* is municipal advance when the citizens directly invest their savings in the public works and improvements of their city, after formally authorizing the expenditures, for the great difficulty in the past has been to interest voters directly in municipal affairs. Direct, personal subscriptions dissipate apathy and indifference.

There are now 371 cities in the United States that are carrying on their municipal business under a commission form of government. These are distributed as follows:[5]

[4] The women purchasers proved they were by no means timid investors. One bought $20,000. Subscriptions were in amounts from $100 up, with the average between $1,000 and $2,000. The bonds were sold at 100.125, a figure said to be slightly below the average issue price.

[5] Of this number five have a population of over 200,000; eight, a population between 100,000 and 200,000; twenty-four between 50,000 and 100,000; forty-three between 25,000 and 50,000; seventy-three between 10,000 and 35,000.

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|---|---|
| Northwestern states | 80 |
| Southwestern states | 64 |
| Northern Central states | 54 |
| Pacific and Rocky Mountain states | 48 |
| Middle states | 48 |
| Southern Central | 42 |
| Southern states | 27 |
| New England states | 8 |

There are 7,500,000 living under this form of city government which embodies the short ballot principle; the idea of simplicity and of the concentration of authority and responsibility; the elimination of arbitrary and confusing ward lines; and a far larger measure of democratic responsibility and responsiveness than is to be found in any of the old forms of American charters.

It is only thirteen years since the first commission form of government was set up in the United States, and now that form has so far lost its novelty that it is beginning to show some signs of becoming obsolescent. Not that the core-idea of it has waned in popularity, for on the contrary it grows in popularity constantly and with remakable rapidity. But, in the words of the Galveston News:

> It is being evolved into a variety of forms which make the original form appear somewhat archaic while giving a more intense application to the philosophy that animates it. It is questionable if there are any people on the globe who have so many forms of municipal government as we have lately acquired, but however multifarious the forms, one can detect running through all of them the principle which, perhaps half-unconsciously, guided the people of Galveston when, driven by the consequences of an appalling tragedy, they accomplished a concentration of both power and responsibility, to the end that their affairs might be administered more efficiently without entailing loss of the people's control over their servants. The variations which the Galveston plan has undergone are chiefly changes in the fashion of the superstructure; the foundation principle, that of simplification, concentration and a more definite fixing of responsibility, has not only been retained in these various forms, but intensified. . . . The city manager form is enough at variance with that that Galveston set up to lead one into thinking it a distinct genus. But it is only one of many species that have been evolved of the Galveston plan, because it only employs the animating principle of the Galveston plan in what is perhaps its logical finality.

This recognition at the place of its birth, of the evolutionary character of the commission form is most significant.

The city manager plan represents a completer and more effective unification of the administrative work of the municipality; it makes possible the retention of a permanent professional expert and therefore the opening of a new career of the greatest possibilities. Moreover the city manager plan leaves the electors free to choose candidates on the basis of their rep-

resentative character unfettered by any implied requirements as to executive experience or capacity to earn a large salary. It therefore involves an abandonment of the unscientific plan of attempting to select executive experts by popular elections for short terms. It constitutes a natural and effective evolution of governmental forms under American conditions.

The scrapping of the old municipal machinery, represents a substantial advance, and the city manager plan a greater one.

Non-partisanship has been the aim of the newer forms of government. It has been promoted by ignoring party designations on the ballot and eliminating the party ticket, and the machinery by which it has been brought forth. Candidates are brought forward on the basis of their individual merit and strength, with no adventitious aid from partisan labels or emblems. While partisanship still plays its part, it has been seriously crippled under the commission form and in some places, notably in the central and southwestern cities, it has measurably succeeded.

This good work has been greatly forwarded by the adoption of the constitutional amendment providing for the direct election of United States senators and by the growth of the movement for municipal home rule. The former is of importance where the state legislature has still a large say in determining the form and content of municipal government, because it takes out of that body the element of national politics which has heretofore been an overshadowing influence.

Municipal home rule has been making great gains within the past few years. In the first place by inserting in the state constitutions provisions giving to the cities the right to determine their own destinies, setting them free to do for their "citizen stockholders" that which they have come to realize needs to be done, and which they cannot do so long as they are "held under suzerainty by the rural population, expressing its will through the old fashioned sort of legislatures." In this class are the cities of Colorado, where the National Municipal League's constitutional amendment has been adopted in its entirety, California, Oregon, Washington, Oklahoma, Arizona, Idaho, Texas, Nebraska, Minnesota, Michigan, Ohio. The movement has made headway in those states which have given the cities the opportunity to adopt certain forms of government, as in Kansas, where the cities can, if they wish, come under the commission form if their electors so vote. Ohio, Illinois, Wisconsin, Iowa, North Carolina, New Mexico, are in this class. There is still another form of municipal home rule, which may be said to be home rule by sufferance, in those states where the state legislatures defer to the wishes of the representatives therein from the community affected.

These three movements: Non-partisanship, the direct election of federal senators and municipal home rule all represent municipal advance of the most effective kind, in that they place municipal affairs clearly on their

own basis, freed from outside and alien influences, and give to our cities opportunity fully to develop their resources along democratic lines.

Hand-in-hand with the growth of the commission form of government has been the increasing demand for the introduction of the expert into the management of the affairs of our cities. It is quite true, as President Lowell of Harvard says in his new book *Public Opinion and Popular Government* that monarchies have habitually employed "permanent administrators, while democracies have shown a preference for rotation in office. This is not an accident. It is a natural result of the different principles on which the two different principles on which the two forms of government are based. The use of experts is as normal in a monarchy or an aristocracy as it is foreign to the genius of a democracy."

While this result has been "natural," I am not disposed to regard "permanence in the tenure of public office . . . . unnatural to a democracy" as Dr. Lowell urges (page 270).

We were many years in awakening to the facts that our governments (federal, state and especially municipal) were not real democracies. It has been only within the past generation that we have come to realize this, and the movement to democratize their form and content has only just gotten well under way. We were many years in awakening to the fact that many minor places in our several governments were not to be used as pawns in a political game, but were to be filled by those who had demonstrated their fitness in some adequate way; but this realization has become a fact in a lengthening list of cities and now we find cities laying down in their charters, as Boston has done, that the heads of the departments "shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training and experience to perform the same." While I am not prepared to say, as did the editor of the *Toledo Blade* that "This is probably as daring a departure in American government as has been made in the history of the republic," I am ready to say with him that:

> It seems to have been assumed from the first that all men were born with the capacity to administer government. Lawyers must satisfy the courts as to their ability to practice law. Doctors are subject to state examination. The right to work at the skilled trades is based upon the record of apprenticeship completed. Save in the unskilled occupations, no man can get a job until he has given some indication of knowing the work which he is to perform. But in politics it is different. It has been sufficient to win the votes, to carry the influence, or to provide the pressure upon the appointive power.

> The mayor of Boston is constrained to select for department heads only such men who understand what they are to do and how to do it, and he is not the sole judge of the fitness of his appointees. That must be certified

to by a separate and independent civil service board, as a result of an independent examination of their qualifications.

Efficiency in public service, a truly modern note, is the new note of civil service reform work. This latter branch of volunteer civic activity is already sometimes thought old-fashioned, and it is sufficiently old as things go in America to be in need of reform, or at least of extension. The present secretary of the Chicago Civil Service Reform Association on accepting his position found the work had been rejuvenated, at least in the Illinois and Chicago associations; that these organizations had infused new life into the movement by making efficiency in the public service its watchword, thus emulating efforts put forth in this era of large organizations by the highest class of well conducted private enterprises.

The executive committee has adopted and announced the principle that every civil service commission should be the arm of the government for promoting efficiency in the public service; that it should devote constant efforts to investigating the efficiency of individual employees and of departments, to keeping records of efficiency, to making removals for inefficiency, and to making expert, constructive suggestions. Efficiency in the public service means not only economy in expenditure for the manifold services performed by the government; it means better treatment for all affected by this service. Since 25 per cent of the people's contributions to municipal, county and state government is for salaries, the importance of emphasizing efficiency in service is manifest.

While this newer efficiency work has been extended, during the past year, the older civil service work of securing efficient employees through open, competitive, practical tests of fitness, by promoting them on the same basis, and by protecting them against removal without just cause, has not been neglected.

It must be borne in mind, however, that while it may be that there is no difference in substance between municipal and private business, there can be no doubt among reasonable men that the difficulties of introducing efficient management are greatly accentuated in city business. The working forces of the American city, until the very recent past, have been almost entirely the creation of the political necessities of different municipal administrations and have been organized primarily as political organizations, efficiency of work being regarded, when regarded at all, as a secondary consideration. Then again the working force has been a compact body of voters who have been depended upon at election time to favor those candidates who promised the most benefits to the organization in the form of increased wages, easy jobs and shorter working hours. The "bread and butter brigade" has been at one and the same time the greatest bulwark of the modern political organization and the greatest obstacle in the way of introduction of modern efficiency methods into the administration of our cities.

The civil service movement is steadily making inroads on the "bread and butter brigade" and instilling new ideas of loyalty and service into the minds and conduct of public employees. They are beginning to appreciate that they owe a loyalty to the larger group—the whole community; rather than to the smaller group—the party; and that their service must be to the whole body politic, and not to any fraction thereof no matter how powerful and influential.

*This* certainly is a municipal advance.

Each new municipal administration is handicapped upon assuming office by its ante-election promises made in the heat of an exciting political campaign and in most instances without adequate knowledge of the real situation. If the new administration is conscientious and endeavors to carry out its promises it soon finds that the situation is very different from what it contemplated. It if fails to carry out its promises and endeavors to meet each situation as it arises, it is confronted not only by the hostility of its constituency, but by the feeling that it is not to be trusted. This situation is inevitable so long as we seek to continue expert administration with political representation. In the words of President Lowell in private affairs we have reached a stage where the complexity of civilization, the growth of accurate knowledge, the progress of invention and the keenness of competition which renders a high degree of efficiency alone profitable, have brought about the specialization of occupations.

We no longer believe in America today that a man who has shown himself fairly clever at something else, is thereby qualified to manage a railroad, a factory, or a bank. Are we better justified in assuming that an election by popular vote, or an appointment by a chief magistrate, confers, without apprenticeship, an immediate capacity to construct the roads and bridges, direct the education, manage the finances, purify the water supply, or dispose of the sewage of a large city; and this when it is almost certain that the person selected will not remain in office long enough to learn thoroughly a business of which he knows little or nothing at the outset? In industrial enterprise, in business concerns, the use of experts of all kinds is, indeed, constantly increasing. They have revolutionized some industries and are indispensable in many more. Nor do we merely seek for men who have gained experience in practice. In one profession after another we have learned to train them carefully in the theory of their work, taking them young and educating them for it as a distinct career. Sixty years ago for example, there was scarcely a school for engineering in the country, but now they are everywhere, and they can hardly turn out students fast enough to supply the demand. They are ever adding new departments, while our universities are creating new specialized schools, and thus adding to the number of professions. We are training men today for all services but that of the public.

That is unquestionably true; but the very fact that we are lamenting the situation is as much of an advance as was a similar lament sixty years

ago with regard to the lack of engineers. There must be an appreciation of the need, before there is an effort to fill it. That there is such an appreciation of the need is shown by the fact that the National Civil Service Reform League and the National Municipal League have a joint committee to consider the question of selection and retention of the higher municipal officials; that the National Municipal League is about to add to its series a volume on the subject; that our periodical press is daily voicing the need; that the city manager cities are advertising for expert managers; that the cities like New York, Chicago, Philadelphia and Boston, are securing an ever increasing number of experts in their service; not to mention the smaller communities, no less interested and in many ways, no less progressive.

A substantial obstacle in the way of the introduction of municipal efficiency is the provincial attitude of the mass of municipal citizens. It is a natural enough feeling that each community can of itself supply all the administrative and expert capacity that the city may require. Certainly one of the most unpopular things that a new administration can do under existing conditions is to call to its aid experts from without the borders of the city. We constantly speak of the efficiency of the European city. European cities are efficiently managed because those charged with the management of their affairs do not hesitate to call to their assistance experts wherever their residence may be. This is the case not only with the heads of the bureaus, but even with the head of the city itself. The English city advertises for a chief executive not only in its own community, but in the professional papers of national circulation. German cities do the same thing. They get the best men wherever they can be found.

This prejudice, however, is slowly yielding as civic education advances. The constant advocacy of efficiency methods; the demand for the introduction of the expert into city administration, and of the city manager plan by civic bodies and the press, are slowly but surely molding public opinion, which in the end is sure to work its way. In discussing the case of permanent experts in the higher posts of the federal service, Dr. Frank J. Goodnow said: "That this can be accomplished by any changes in the law, may, perhaps, be doubted. That it will be accomplished, as soon as an educated and intelligent public opinion demands it, is a moral certainty."

Cornell University instituted this year a series of lectures on "Citizenship." In announcing this departure, the official circular pointed out that there had been a marked change in the conception of social and civic work during the past few years. That social work until recently had in popular estimation practically been confined to what was and is known as charity, charity in the sense of almsgiving; and that civic work was practically confined to the effort to "drive the rascals out" of office.

Today, though the need of remedial relief is still as thoroughly recognized as ever, the emphasis is more and more placed upon the improvement of conditions so that the need of relief may be constantly diminished. The term "worthy poor" is falling into disuse as a broader vision and a more thorough study of social conditions shows us how wide spread is the responsibility for inefficiency, sickness and misery.

Today, though the need for putting honest men into office is felt as keenly as ever, we have come to realize that not only the machinery of government should be as simple and as workable as possible, but also what is far more important, that the citizen must have a direct and a continuing interest in that government if it is to be honest, efficient and democratic.

The change is from an attempt to cure to an attempt to prevent. But it goes much further. The purpose is not merely to prevent the worst of the evils which in the past have been made the basis for appeals to our pity, our conscience or our wrath, but to set higher standards than have yet prevailed, and to adopt policies that will fundamentally improve the qualities of the race. It is not enough that men and women and children should be prevented from dying from hunger and cold; they must be assured full opportunity to live strong, wholesome, happy lives. It is not enough that graft should be prevented in our governments; they must be made efficient and truly representative. This new conception of social and civic purposes implies constructive work to the end not only that those who fall may be enabled to get upon their feet again, but that the whole community may find life better worth the living; this in turn is based upon the belief that such a community will produce a higher type of citizen, more efficient and productive workers, and through them again, a more prosperous and a better community.

The National Municipal League stands for this sort of constructive work and during the whole of its now nearly twenty years of activity it has sought to establish new and higher standards of municipal life; to study every phase of municipal activity; to multiply the number of those who are ready and willing to work for their cities; to bring into closer affiliations and coöperation the workers and organizations in this field of public endeavor. While at all time sympathetic with every sincere effort to turn out rascals, it has been more concerned in substituting the efficient for the inefficient; the public spirited for the selfish, the real progressive, for the reactionary; feeling that in that way the dishonest and the incompetent may be most effectively kept out.

In his address at the commencement exercises of the University of Cincinnati, last June, Dr. Albert Shaw said:

> Their best citizens [those of Frankfort and Cologne] feel it their bounden duty to help in the administration of the city's finances, public services, schools, parks, and charities. So conscious are these cities of the needs of guarding their future growths that they have mapped out the surrounding lands for many miles, and indicated the future streets and boulevards, transportation routes, parks and other permanent features that relate to the general welfare. They will not permit any private exploitation of

real estate that does not conform to plans that are regarded by the public authorities as best for the future of the city.

Let it be remembered that the larger growth in population, resources, attractiveness, and diffused prosperity has come to the most of European cities in our own generation, under the new forces of progress. And let it be remembered that every phase of this desirable advancement can be shown to have resulted from the *application of knowledge to the service of communities.* We have before us, in our American cities, of which Cincinnati is so interesting and well-founded a type, a period of possible growth in comparison with which the past seems only a rude urban beginning.

American cities have been slower in realizing all this, but they are arriving. Excess condemnation as a means of protecting great public improvements, as well as a social factor and as a means of financing them, was five years since an unknown term in our American municipal vocabulary. Today it has become a term of political significance in the states of New York and Wisconsin. Social and civic surveys were unheard of a decade ago; today there is a stock taking and a planning for the future of the greatest significance. The right of the eye to be protected against the ugly, the base and meretricious has become a practical question in a score of forms. City planning long ago recognized as important, is now recognized as essential in Massachusetts, for the latest legislature passed two bills making city planning compulsory for every town of more than 10,000 and for every city.

The strong arm of the city govermnent is extended to protect not alone the weak and helpless, but the ignorant and indifferent, that the present and coming generations may be strong and healthy and vigorous, and as such able to do a full day's work and likewise to resist and overcome temptation. The problems of vice and crime, and especially those which we call the social evil, are at one and the same time, physical, economic and moral. The city owes to itself and to all its constituent parts to give them a fair physical chance, an opportunity to live clean and decent lives so that they may be able to meet and resist the temptations of life. How this can be when the food is poor, the surroundings worse and the health thereby undermined does not appear. The city and the citizen are asking "Why?" and more important still are seeking the answer.

Along economic lines the city may not have so free a hand, for its responsibility is not so direct and concentrated. So far, however, as it can in the exercise of its taxing and general welfare powers, it must stand for the fair deal, the equal opportunity and the social justice, not as the shibboleths of party, but as the declared and persistent policy of the community.

The city may not reasonably be expected to impose moral standards upon its citizens; but it must make it possible and feasible for them to be clean, and decent and upright. These, however, are mainly to be accomplished along physical, economical and social lines. Indeed we must not

overlook the fact that some of the so called political problems are at the bottom social ones. While, as Ida Tarbell points out, the power of the corrupt politician is being slowly abridged through civil service and other political reforms, it is being destroyed much more rapidly, in her judgment, at its very source by the establishment of public recreation centers, which must in the end abolish this particular type of gang training.

The rapid growth of the wholesome recreation movement is a great municipal advance, but its utilization to train future voters in effective "team work" is a greater municipal advance.

There is natural rejoicing at the overwhelming victory of the fusion forces in New York and the re-election of Mayor Baker in Cleveland; and there is some depression over the results in Philadelphia and Cincinnati, but these must all be regarded as incidents of a great campaign. For as Professsr Munro, for years a member of the League's council, has pointed out in his recent book to secure achievements of permanent value

reformers must seek far more than mere change in the personnel of city government. They must simplify the political framework when necessary and make it afford those opportunities for constructive effort which are the only enduring attractions for public service. They must adjust the administrative machinery of the city to the work which it is called upon to do, a mission which in any large city is a reform task of Herculean proportions and of corresponding value when performed. If laborers in the cause of civic improvement desire to see in concrete form the results of their exertions they must also adjust their methods to the conditions of political warfare in a democracy; which means specifically that they must recognize the utter weakness of a house divided against itself, the impotence of purist professions that do not square with the facts, and the unerring certainty with which extravagent pledges return to work upon those who promise, in the way of public improvement, more than they can ever fulfill.

That the American people are coming to realize and act upon this idea is perhaps the greatest municipal advance, save the recognition, to paraphrase the language of the present chief executive of the American nation: "There is a vast deal to do, and it can best be done by forgetting that we are partisans of anything except the honor and prosperity of the city itself."

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The president's address on "Public Opinion" will be published as a leading article in the April issue of the NATIONAL MUNICIPAL REVIEW.

# MUNICIPAL HOME RULE AND PUBLIC UTILITY FRANCHISES

BY DR. DELOS F. WILCOX,[1] CHAIRMAN

*New York City*

It has been suggested that the growth of the state commission idea is rendering the subject of franchises of diminishing importance to the public. It is our view that just at present there is a tendency toward too great centralization in the control of public utilities. The idea of state regulation has gained great headway, and under some of the forms of public utility laws being enacted, or recommended for enactment, the powers of the municipalities to control local utilities, either through franchise contract or through regulation by means of ordinances or local commissions, are being seriously curtailed or taken away entirely. Nevertheless, we cannot recall a time when a greater number of interesting local franchise situations presented themselves to the various cities of the country than now. The National Municipal League has always been friendly to the idea of municipal home rule, and the home rule movement has been gaining very considerable headway in recent years. It is especially important, therefore, in the judgment of your committee, that the League should inquire carefully into the significance of this counter movement for exclusive state control in the matter of public utilities, hitherto regarded as one of the most important fields for municipal activity. Upon this matter, as well as upon certain other fundamental issues involved in the general problem of public utility franchises, the League should be prepared to throw light and furnish leadership.

The public utility laws providing for *exclusive* state regulation do not necessarily and directly strike at the principle of municipal ownership, although in some cases they bring municipally owned utilities under supervision to the same extent as utilities owned and operated by private corporations. Nevertheless, there are certain features of exclusive state regulation which tend to make the municipalization of utilities more difficult, and to that extent interfere with one of the most fundamental provisions of the home rule program.

Several points are made in favor of exclusive state regulation.

[1] This article is the report of the committee on franchises of the National Municipal League presented at the Toronto Conference for good City Government. The report was signed by Delos F. Wilcox, chairman, Robert Treat Paine, James W. S. Peters, Abraham E. Pinanski, Charles Richardson, and Clinton Rogers Woodruff. Prof. Edward W. Bemis, also a member of the committee, contributed valuable suggestions in the drafting of the report, but in the end did not feel able to sign it, for the reasons stated by him in a supplementary memorandum which will be found in the form of a note at the close of this article.

It is said that at the present time there are practically no utilities of a purely local character. Local telephone systems overlap municipal boundaries and are linked up with long distance telephones reaching to distant cities and even transcending state limits. Street railways frequently operate beyond the city limits and even form the nucleus of a great network of interurban lines. Since the development of hydro-electric power, electric current for local distribution is in many cases brought from far distant sources and the same transmission lines often serve many different cities. The same is true of natural gas supplies. It is urged that these conditions make municipal control of these utilities illogical and impracticable.

It is also said that the public service corporations receive their charters from the state, and, therefore, must be regulated by state authority. On behalf of the corporations it is urged that regulation of rates and services involves a corresponding obligation for the protection of the investment, and that such protection is impossible unless the regulating authority is an independent state body, not subject to immediate political pressure from the voters who as consumers of a particular utility clamor for lower rates and better service irrespective of the effect upon the company's financial interests.

It is also said that only the very largest cities are able to bear the expense of supporting local commissions equipped for scientific regulation and that even where a city could afford this expense it is seldom willing to incur it.

It cannot be denied that these arguments have considerable weight. In the opinion of your committee, however, it would be a mistake to forego entirely, on account of these arguments, the principle of municipal home rule and take away from the municipal authorities *all* control over public utility services within the city limits. Several considerations may be urged in behalf of this view.

Granting the undisputed facts as to the development of interurban, state-wide and even national utility systems, it remains true that what are commonly known as public utilities are primarily urban in their character and that they are developed primarily in relation to one or more urban centers. After all, almost every important city furnishes not only the nucleus, but the major part, of the business of the public utilities operated within its limits. With the extension of public utilities to rural and semi-rural districts and with the growth of cities, so that in many cases they touch each other, sanitary drainage and the supply of water, both of which are generally recognized as proper municipal functions, over-reach local boundaries as far as any other utilities. From the standpoint of the city, at least so long as it maintains itself as a separate political unit charged with the performance of coöperative functions for the benefit

of its inhabitants, the supply of all the standard utilities will remain a matter of vital local concern, and the transfer of all control of these services, so long as they remain under private ownership, to a distant administrative authority will be in fact as well as in theory a distinct violation of the principle of municipal home rule.

It may also be urged on general principles that the control of all public functions should be localized as much as possible. In this way only can the active and intelligent interest of the voters be aroused and maintained, and the entire machinery of government be kept close to the people for whose benefit it has been created. Also, in this way only can advantage be taken of the local knowledge and the local interest which, given a sound public opinion, are of incalculable benefit in public administration. This consideration would lead us to give the benefit of the doubt to local rather than state regulation and to extend the principle of state control only so fast and so far as the facts make it logical and practically necessary to appeal to a central authority. The soundness of this view is supported by a consideration of the results that would follow from the strict application of the opposite policy. As already noted, many utilities are not merely interurban, but interstate, and according to the logic of those who favor exclusive state control, the utilities that overlap state boundaries should be subject to exclusive national control. This argument would in some places even require international control for public utilities operated in border cities.

It may further be urged, as a practical matter, that the more powerful the corporations become and the more widespread their services, the more important it is that they should be directly answerable to the local communities which they serve. It may easily be possible that an appointive state commission will fall more or less completely under the domination of the powerful interests which control the public utilities of the state, and thus the very machinery provided for the regulation of utilities be captured by the interests presumed to be regulated by it. This is a very real danger. It may be necessary to array against the powerful financial interests of the companies the direct mass interest of the local consumers in order to preserve the vitality of the regulatory function. It should never be forgotten that public utility corporations exist to serve the people, not to control them.

After careful consideration of the various arguments for and against exclusive state regulation, including the arguments presented at the Los Angeles conference by the Hon. John M. Eshleman on the side of state regulation and by Lewis R. Works, Esq., on the side of local regulation, we are of the opinion that in most cases regulation cannot be either logical or effective without the active coöperation of both state and local authorities. It is clear that in a large city with a powerful and highly developed

local government upon which devolves the obligation of meeting the complex problems of urban life and of actively guiding the development of the community along rational and progressive lines, it would be a mistake to divest the local authorities of all control over public utilities, even though operated by private corporations.

First of all, a city must have control of its streets. This necessity becomes more acute as cities increase in population and the congestion of street traffic and of the surface, underground and overhead street uses develops.

Then, too, when the problems of congestion of population become serious, a city finds it necessary actively to initiate and control the development of its public utilities, particularly its local transportation system. No adequate city planning is possible without effective control of the development of the public utility systems.

Moreover, as a city increases in size the utilities that in rural communities and in smaller towns are luxuries, come to be absolute necessities of life. Not only must the people of large cities have the various utilities, but they must have a high grade of service at fair rates.

So long as we stand for the idea of throwing upon the people of the city the responsibility for working out their own municipal salvation under home rule, we cannot for a moment accept the proposition that the entire control of the utilities using the city streets should be transferred to a distant authority not politically responsible to the people of the city, and not thoroughly acquainted, by residence in the city, with local conditions and local needs.

At the same time it is clear that in the country and in small towns the public authorities are wholly lacking in equipment for the regulation and control of public utility corporations. This is especially true where utilities of an interurban or state-wide character merely pass through the local communities. For a country town to attempt to regulate an interurban railroad, except as to the most rudimentary questions relating to the occupation of the streets, would be illogical and practically impossible. It appears to be desirable, therefore, that the state public service commission should be given general jurisdiction over public utilities throughout the state, so that there shall be no "twilight zone" within which the companies may escape adequate regulation. We are of the opinion, however, that at least every city of sufficient importance to enjoy powers of home rule in the framing of its charter should have the right to establish a separate department, bureau or commission for the purpose of supervising the utilities operating within its limits, to such extent as may be necessary for the protection of the distinctively local interests of the community. Even in the largest city, with the best equipped utility department, the state commission should still have jurisdiction over certain important matters.

Speaking generally, all those elements of regulation which have to do with the activities of corporations as such and which invite uniform treatment without reference to widely varying local conditions will naturally fall to the lot of the state commission. These matters include the regulation of stock and bond issues, the fixing of a uniform system of accounts, the requirement of public reports and the determination of certain fundamental questions which relate to the stability of the investment. On the other hand, the city, if it chooses to exercise it, should have broad power of control in all matters relating to the occupation of the streets and the character of the services rendered and should be in a position to municipalize the utilities whenever it desires to do so, and for that purpose should have a continuing right to enter into franchise contracts by the terms of which municipalization can be made practicable.

A state-wide public utility law which provides that every franchise granted by local authorities shall be an indeterminate permit, terminable only upon purchase of the property of the utility at a price fixed by the state commission, is, in our judgment, inadequate to protect the interests of the city, and in fact tends strongly to hamper the city in future efforts to municipalize the utilities. This might not be true if the law should provide for the taking over of utilities subject in part to outstanding indebtedness. But in so far as such a law makes it necessary, for all time to come, that when a city wishes to municipalize it must pay in cash the entire value of the property in a lump sum before taking possession, a serious obstacle is placed in the way of future acquisition of utilities. The rapid increase of municipal debt for non-revenue-producing investments is a notorious development of the present day. It is also notorious that the legitimate investment in practically every utility, to say nothing of the unearned increment of land values and the possible allowance by a state commission or by the courts for going value and developmental expenses, is piling up year by year. A state law, therefore, that would prevent a city, once having granted a franchise, from ever resettling its relations with the particular utility by means of a new franchise contract, with provision for the amortization of all or a part of the purchase price out of earnings, or with the option to take over the property subject to outstanding indebtedness, is a bad law from the standpoint of municipal home rule in general and of municipal control of public utilities in particular.

While we do not favor, as a general principle, competition between municipal and private plants, we believe that a city should have the right to build a competing plant rather than buy out an existing utility at an exorbitant price built up by allowances for franchise value, good will, lost investments and other intangible elements often claimed by the companies. If the purchase price is not fixed in accordance with the terms of a franchise contract, the city ought not to be *compelled* to buy the exist-

ing plant as a preliminary to municipal ownership, except on the basis of the actual, legitimate investment, with proper allowance for depreciation.

There are certain elements of regulation which lie on the border-line between state and local functions. One of these is the regulation of rates. We are inclined to the opinion that the fixing of rates, which has to do fundamentally with the protection of the investment as well as with the rights of the patrons of the utility, should be recognized as a function in which local and state authorities may properly coöperate. Any city which does not choose to invite the state commission to assume jurisdiction in the fixing of local utility rates and which is willing to bear the expense of an adequate investigation of the facts upon which scientific rate regulation is based should have the right to fix local rates either by contract or by ordinance, subject in either case to an appeal to the state commission to determine whether or not the city has made an adequate investigation and whether or not the rates fixed would injuriously affect the rights of the individual consumers outside the city limits or of other communities necessarily or conveniently served by the same utility plant or system. In the interest of intelligent coöperation between city and state authorities, it might be a good thing to require the state commission to loan its experts to cities for rate investigations for a reasonable compensation wherever the city does not choose to maintain a local commission or employ its own technical assistance.

Another matter requiring the coöperation of local and state authorities is the extension of street railways and other utilities to keep pace with the growth of population and the development of suburban areas. Here the interest of the city is fundamental, while at the same time the investors have a right to protection against the arbitrary demands of local land speculators and over-zealous aldermen.

The extent to which state control of utilities is necessary and the extent to which local control is possible vary greatly in different parts of the country. In states where cities are widely separated, each urban community naturally forms a more or less independent utility center, and municipal control may be developed to a great extent without interfering with the rights of other communities. Moreover, in the case of a great city where the bulk of the service of any particular utility is rendered within the corporate limits, the city's overwhelming "majority interest" in the utility requires the city, for its own protection, to maintain a large measure of local control. Under other circumstances, where cities are bunched together, as they are in eastern Massachusetts and northern New Jersey, it is obvious that unless some new form of coöperation among neighboring municipalities is developed, state control of the utilities will necessarily go much further than is necessary where cities are physically remote from one another.

In view of these various considerations, we suggest that where a city has assumed actively to exercise the functions of regulation, it shall have substantially final authority with relation to the occupation of the streets, the quality of service rendered and the nature of the franchise contract which it may desire to make for the purpose of facilitating the transfer of the property from private to public ownership. In all matters where an appeal lies from the decision of the local authorities, as in the matter of rates or extensions, and in all matters where the state commission has primary jurisdiction, especially in questions relating to competition, accounts and publicity, we suggest that the local department or commission, representing the city's interest and its intelligence on public utilities, have the right to appear officially before the state commission to present the city's case. In other words, in certain important lines of regulation the city should have final authority; in certain other matters the city should have primary jurisdiction, and, in case of appeal, should have the right to be represented officially before the state commission by its local utility experts; while in still other matters the jurisdiction of the state commission should be regarded as normal and complete, but even in these matters the city should have the right to appear in its corporate capacity to make suggestions or to protest against any proposed action affecting utilities that operate within the city limits.

We shall now proceed to discuss certain important questions that arise in connection with franchise contracts between cities and public utility companies.

We believe that a public utility within a given urban community is a natural monopoly, and that one of the first and absolutely essential obligations of such a monopoly is to extend its services to meet all the legitimate needs of the community. In practically every city where the street railway situation presents an acute problem, one of the greatest difficulties is found in the absence of public control in the matter of extensions. To a much less extent the problem of extensions also affects the other principal utilities. There is nothing which the people of a growing city so insistently demand as extensions of the street railway system, and there is no point where the street railway companies more strenuously refuse to recognize public initiative and control than in this matter of building additional lines. A few cities have covered the problem of extensions more or less successfully in their franchise contracts. This is notably the case in Chicago and Cleveland, and the principle is recognized in the new subway contracts in New York.

We are often told that under private initiative American cities have much less to complain of as to the lack of proper street railway extensions than the British cities, where, in many cases, the street railway systems are owned and operated by the municipality. It is true, undoubtedly,

that in many cities during certain periods there has been a liberal expansion. It is probable that in some cities, even without the stimulus of competition, there has been an over-building of street car lines. It is to be noted, however, that street railway expansion in American cities has not always been determined by an intelligent regard for the interests of the community as a whole. So long as private corporations, organized for profit, have the initiative with regard to all extensions, it is to be expected that additional construction will be undertaken only where it promises to add to the profits of the enterprise. In other words, a street railway corporation will not of its own volition extend a line for an additional half-mile when all the people who would be accommodated by the extension would simply be receiving additional service without being required to pay additional fares. Congestion of population, except at the very heart of the city, is extremely profitable to the street railways. It is patent to everybody that it requires something more than a purely selfish or profit-seeking motive to compel an adequate and logical expansion of a city's transit facilities as the public need arises.

In dealing with the problem of extensions without any procedure fixed by franchise contract, the city can only guess what the company's controlling motives are and must cast about for substantial inducements with which to overcome the company's financial reluctance. Threatened or real competition has often been used to secure extensions, but competition has almost invaribly proven to be an unsatisfactory and expensive weapon for the city to use. In many cases extensions have been forced upon a corporation as the price of the renewal of franchise rights. This method is of course impossible wherever the perpetual or indeterminate franchise without time limit is in use. Often, also, a situation arises where the company is greatly in need of additional privileges for its own accommodation, and at such times it is possible for the city to drive a bargain by exacting grudged extensions and other concessions as a consideration for the granting of the privileges applied for.

An even more difficult and subtle situation arises where the company is induced for special reasons to make extensions which, from the community point of view, are premature. Such extensions are either made for the sake of helping the real estate speculations of the officials, or principal stockholders, of the company, or else they are made by reason of subsidies given to the company by other persons interested in certain real estate developments. Without any public supervision, the policy of requiring the owners of benefited property to pay for certain street railway extensions has acquired considerable standing in some cities. Indeed, it is well known that certain street railway systems have been over-expanded for the benefit of certain real estate interests, with the result that for many years the prematurely constructed lines are a financial drag upon the

system as a whole, and tend to hinder the construction of other extensions which, in the general interest of the community, ought to be built.

The problem of extensions is a delicate and difficult one. Obviously some power of initiative as well as of veto on the part of the public authorities is necessary. At the same time it is clear that any company could be driven into bankruptcy by the arbitrary exercise on the part of the local authorities of unlimited control over extensions. The construction of an extension means an additional capital investment, and the power of the city to order a private company to build an extension is the power to compel the stockholders to put more capital into the enterprise, either out of their own pockets or out of the proceeds of bond issues. While it is our opinion that the local authorities should have the right to initiate extensions, it seems to us necessary that the company should have an appeal to an impartial authority, preferably the state public utilities commission, for a review of the question of the necessity and financial feasibility of any particular extension ordered by the city authorities. It should not be necessary for the city to show that any particular extension which public need demands would be self-supporting as a separate part of the street railway system, but the earning power of the entire system and the effect of the extension upon the financial condition of the company, taken as a whole, should be among the determining factors.

In many cases it may be found that an extension is desirable, the cost of which, nevertheless, would prove an unreasonable drag upon the system as a whole if paid out of capital account. Under such conditions, the persons who will receive the greatest financial benefit from the construction and operation of the extension are, undoubtedly, the owners of the land that will be made valuable for residential or business purposes by reason of the extension. In our opinion, therefore, provision should be made by which an extension could be built out of the proceeds of special assessments, or directly by the property owners, in cases where the construction of the extension would not otherwise be justified, but where the operation of the extension without the burden of fixed charges would not be an unreasonable burden upon the street railway system as a whole and would be of benefit to the community.

Recently, there has been considerable agitation in a number of cities for the use of the assessment plan in the construction of utility distributing systems under public ownership. The same principle should apply, so far as assessments are concerned, whether the utility is to be owned by a corporation or by the city, and in neither case should the portion of the cost of the plant contributed by the abutters be added to the capital account. In this way the general public would get the benefit of lower charges or better service, and, when a private plant was municipalized, the city would get the benefit in a lower purchase price.

With the growth of the great cities, elevated railroads assume large importance locally—though everybody wishes that it were possible to dispense with them in narrow streets and crowded residence sections. When elevated railroads are built in streets, the abutters often recover heavy damages on account of the interference with their "easements of light, air and access." It might help to get rid of the elevated roads where they are not wanted, and, in any case, would lighten the burden on the transportation system involved in the removal and relocation of expensive structures, if the principle of special assessments for benefits were applied to pay the cost of relocations. Certainly, this could be done with justice where the property to be assessed for the benefits of the removal had already been compensated for the damages due to the original erection of the structures.

In Los Angeles last year (1912) there was considerable controversy among the local people as to whether the indeterminate franchise should be with or without a maximum time limit. While there has been a strong development of sentiment in recent years in favor of the indeterminate franchise as a general principle, there appears to be in some quarters a strong counter sentiment against it, unless it has a maximum time limit. This counter sentiment is based on the fear that without any time limit at all the indeterminate franchise will practically amount to a perpetual franchise. The pure indeterminate franchise, as found in the street railway law of Massachusetts and in the District of Columbia, merely provides that the rights of a company may be terminated at any time, at the option of the public authorities. This form of the indeterminate franchise makes no provision for the purchase of the property of a utility at the time the franchise is terminated. The Wisconsin type of indeterminate permit follows Massachusetts and the District of Columbia in not establishing any maximum time limit, but includes the provision that a franchise shall not be terminated unless, at the time of termination, the city acquires the property of the utility at a price to be fixed by the state commission. At the same time the public utilities act of Wisconsin gives municipalities full power to acquire and operate utilities.

It is clear that the Wisconsin type of indeterminate franchise is a sufficient guaranty of the integrity of the investment, so that, from the standpoint of the companies, there can be no reason to complain of it, if they once grant that investments in public utilities are devoted to a public use and should be subject to public control. The advocates of ultimate municipal ownership, however, see considerable danger in the indeterminate permit of the Wisconsin type, for the reason that the franchise runs on forever, unless the city finds itself in a position to pay in cash the entire value of the utility, and the longer the city waits the greater will be the sum required to effect a purchase.

Possibly, under the Wisconsin indeterminate permit a city, in making an original grant of a new franchise, might provide for the amortization of the cost, or a part of the cost, out of earnings within a specific period, or perhaps provide for taking over the property subject to outstanding bonds, or provide that payment shall be accepted, in whole or in part, in bonds secured upon the property itself, and not a charge against the general credit of the city. But it is to be noted that if the city imprudently fails, in its original grant, to make any such contract provision, it is forever debarred from revising the terms of the grant and compelling the company to enter into a new contract under which municipal ownership could be made easy.

Chicago, Cleveland and New York, in their recent street railway and rapid transit settlements, have granted indeterminate franchises within maximum time limits. Chicago provides for the accumulation of a street railway purchase fund out of the city's share of the profits. This provision appears to be wholly inadequate, although it recognizes a correct principle. Cleveland provides that if the franchise is ever permitted to come within fifteen years of expiration without being renewed, the company may begin to charge the maximum fares set forth in the franchise schedule, and use all surplus for the amortization of capital. The New York subway contracts provide explicitly for the amortization of the entire capital within a definite term of years, and so, at the expiration of the contracts, the subways and their equipment will come into the possession of the city without payment at that time. In our opinion, it is important that the franchise should be granted for a definite maximum term, subject to the right of the city to terminate the grant in case it is willing to purchase the property at a fair price prior to the expiration of the grant. The pure indeterminate franchise would be relieved of some of its dangers if the policy of requiring public utilities to adopt an amortization scheme for the gradual reduction of their capital investment for the benefit of the city should be embodied in the general law as a universal and positive obligation.

Experience has demonstrated that one of the most dangerous, and at the same time one of the most powerful, tendencies of the private management of public utilities is to overload the capital account. Aside from the deliberate watering which was a common feature of public utility financing in days gone by, it is customary among utility men to stretch the powers of reasoning to the utmost limits for the purpose of justifying the inclusion of additional items in the capital account. While it is difficult to defend this policy when stated broadly, it seems very easy for a mind friendly to over-capitalization to invent excuses for carrying out the policy in any particular case. It is not our intention in this report to go into the merits of the temporary capitalization of such items as development expenses, losses due to obsoleteness and inadequacy, etc. We desire, however,

to state emphatically that in our opinion the experience of the utilities of the country, and perhaps especially of the transportation utilities, has been such as to give a distinct warning against the policy of permanently capitalizing superseded property, accumulated deficits and intangible elements of value. Whatever may be necessary in an adjustment of the capital account, fair alike to the investor and to the public, we are of the opinion that all these elements—sometimes included in appraisals in excess of the permanent value of the physical property—should be written out of capital within a comparatively short period of years. The tendency of the investment to bulge is one that should be as firmly resisted as the tendency to overload a city with debt representing in part improvements that have outlived their usefulness. This policy of holding down the capital account is in our opinion necessary: (1) in order that the investment itself may be safe and stable; (2) in order that rates may be kept within reasonable limits; and (3) in order that the purchase price, which is the touchstone of the franchise contract from the standpoint of possible municipal ownership, shall be brought within the limits of the city's financial ability.

There may be a legitimate difference of opinion as to the advisability of requiring the amortization of the entire capital account of a public utility while it is being held under private ownership. It should be made perfectly clear that the amortization we refer to is not the amortization of the company's bonds for the benefit of its stockholders, but the amortization of the investment itself, represented by both stocks and bonds, as a process for the gradual transfer of the ownership of the property from private to public hands. Some of those who are ready to commit the cities now to a definite policy of ultimate municipal ownership of public utilities, insist that the amortization process should be set in motion and should be carried through to its ultimate limit as will be done under the New York subway contracts. On the other hand, those who desire only to keep the cities in a position where municipal ownership will be financially practicable at any time are inclined to oppose the idea of amortization of the entire investment under the terms of the franchise. They say that the intangible elements and the superseded property should by all means be amortized so that the intrinsic value of the property for operation will at all times be sufficient security for the purchase price. They believe that as a result of this conservative relation between the capital value as represented at any time in the purchase price and the actual value of the tangible property, it would be possible for any city which had properly conserved its credit to take over the utility and raise all the funds necessary for the purpose, either by the issuance of self-sustaining bonds exempted from the debt limit, or by the issuance of bonds against the property and earnings of the utility itself.

As between these two theories as to the extent to which the amortization

policy should be carried, your committee does not feel called upon to choose at this time, but all of us favor going *at least* as far as the second would carry us. We believe that the time is ripe for urging the recognition of the amortization principle in all franchise contracts, and would further state that in our opinion the tendency will be to amortize too slowly and too little rather than the reverse.

Within the past few months the threatened repeal of the franchises granted under the so-called Rogers law in Ohio some years ago has created an intense discussion of the question of good faith in the relations between the public authorities and the franchise-holding corporations, especially in Cincinnati. It is claimed by the proponents of the proposed repeal that such action may be lawfully taken under an old section of the Ohio constitution which provides that no special privilege shall ever be granted which is not subject to revocation by the general assembly. The usual allegations of over-capitalization, bad service, corrupting political influence, etc., have been urged against the Cincinnati company as furnishing sufficient reason why the alleged option reserved by the constitution should be exercised. We do not desire to give judgment upon the merits of the Ohio case, but we desire to call attention to the fact that the ethics involved in an attack upon outstanding long term or perpetual franchises by legislation, litigation, bargaining or other forms of coercion, is bound to be an issue of far reaching importance in many states and cities in the near future. The existence of perpetual franchises in the public streets, or of such franchises running past the life of a generation, has come to be considered as being wholly contrary to sound public policy and inimical to the future welfare of the cities.

It has been hoped that the disadvantages of the perpetual franchise could in some measure be overcome by the exercise of continuous regulation through the police power. One of the primary difficulties in the way of the success of this policy is that no adequate means has as yet been devised and proved to require companies enjoying perpetual, irrevocable franchises actually to extend their lines and render the service which the growth of the community demands when it demands it. The tenacity with which the companies resist the relocation of street car lines involving the surrender of any portion of any line for which perpetual rights are claimed is a continuing obstacle in the way of the proper development and control of the transit system in any city where perpetual franchises are outstanding.

We do not deem it necessary at this stage of public enlightenment to urge at length the iniquity of perpetual public utility franchises in public streets. If, however, it is true that the perpetual franchise is a perpetual menace to essential public control and reasonable service, it follows not only that no perpetual franchises should be granted, but that means

should be devised to recover those now outstanding. In fact, the attempt to mix perpetual franchises with short-term or indeterminate franchises in the same city is a good deal like the attempt to mix oil and water. As a rule, where important perpetual franchises exist they are the old franchises, on the central streets, representing the most profitable field of operation. No city can ever adequately control the development of its transit system, for example, unless it can control the portion of the transit system that operates in the business district. It seems to us largely futile, therefore, for charter commissions to write into new charters elaborate provisions governing the granting of new franchises, which, if they apply at all, will apply only to outlying areas, to relatively unimportant extensions, or to competing lines in the back streets. A charter full of franchise safeguards that apply only to future grants, while the entire profitable area of the city is already occupied by utilities operating under perpetual rights, is a delusion in law-making.

Therefore, in our opinion, it is essential to the proper development of the utilities of any city and to the full realization of the principles of public control, that, in all cases where the outstanding franchises run in perpetuity, or for unreasonably long periods, the city should definitely set about devising means for recapturing them. While it is our opinion that every legitimate investment in a necessary public utility should be carefully protected, we do not believe that franchises as such should be irrevocable, or that they should have special value apart from their function of giving life to the property of the utility.

There is a well established rule of law that all grants involving franchise rights in the streets should be construed strictly and strongly in favor of the public. In many jurisdictions this rule has come to be known chiefly by the exceptions to its enforcement. We believe that it is a sound rule and should be strictly applied, especially in all cases involving franchises the terms or conditions of which are clearly contrary to sound public policy. We think, therefore, that the municipal and state authorities are justified in using legislation, litigation, taxation, negotiation and all other available means to secure the termination of perpetual and very long term franchises, and to compel a readjustment of outstanding rights on the basis of thorough-going protection of the investment under the terms of new franchises which will recover to the city the control vitally necessary to its future welfare.

It was supposed that the Greater New York Charter, adopted some sixteen years ago, inaugurated a fairly up-to-date and enlightened franchise policy so far as future grants were concerned. Yet since that time the city granted for practically nothing a street railway franchise to a terminal freight railroad to operate in certain streets in South Brooklyn. This franchise was granted for a period of twenty-five years, with the grantee

having the right of renewal for another period of twenty-five years upon readjustment of the rental. Today New York city, less than ten years after making this grant, is devising a plan for a municipal railroad along the Brooklyn waterfront including the route covered by this franchise; and the franchise itself, which the city now thinks of buying back, has been appraised at over two million dollars. We do not believe that it is possible for cities to treat perpetual franchises or 999-year grants as worth the face value claimed for them by their owners, and at the same time attempt, either by negotiation or by condemnation, to acquire the utilities, paying the alleged value of the perpetual franchises. We regard it as highly impolitic and unethical for the city to perpetuate these burdens upon the future so long as there are means left within the power of the state, or the city, to destroy or at least greatly reduce these illegitimate franchise values, which, if capitalized, could never be sustained either under private or under public ownership, except on the basis of exorbitant rates or subsidies from taxation.

In the foregoing we have discussed as briefly as possible a few of the major points involved in the franchise problems of the country which are now in process of solution. There are many other points which might properly be discussed in this report. We have limited ourselves, however, to a few points in order that our recommendations should stand out more clearly and avoid the confusion of fundamental principles with less important details.[2]

[2] While agreeing in the main with the able views presented in this report, I doubt the wisdom, at the present time, of lodging in any state commission any control of the capitalization, or of the rates of public utilities in larger cities, especially west of New York State.—Edward W. Bemis.

# PUBLIC UTILITY LEGISLATION IN ILLINOIS

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AN ACT to provide for the regulation of public utilities," passed by the forty-eighth general assembly of Illinois raised a storm of protest, especially in Chicago, which warrants some consideration of a measure, which might, from one point of view, be considered merely as the belated adoption by a backward state of a policy already established by the more progressive commonwealths. A law similar to that which made Wisconsin famous as a leader in the progressive movement, has been demounced as marking the lowest depths of infamy in Illinois. The action of Governor Dunne, in signing the bill to establish a policy supported by Governors La Follette, Hughes and Wilson, has been held to be a reactionary step. And it has been seriously urged that the supposedly conservative state of Illionois had already established a more successful method for dealing with public utility problems than the much heralded state commissions of New York, Massachusetts and Wisconsin.

The criticism and discussion of this measure raise large questions as to the degree of conflict between various distinguishable lines of policy which have been developing contemporaneously in this country; and should lead to a closer analysis of how far such conflict is necessary, and to what extent the different movements may be combined into a harmonious system. In dealing with the control of public utilities, there are the two distinct tendencies towards regulation by governmental authority and regulation by contract. In the last number of the NATIONAL MUNICIPAL REVIEW, Mr. Wilcox explained the new rapid transit contracts in New York City, which have been made in addition to a far reaching power of regulation by a state commission. In a similar way the new Illinois law may be considered, not so much as abolishing regulation by contract, as supplementing it with a large measure of regulation by governmental authority.

But the regulation of public utilities forms but one phase of larger movements. In recent years there has been much headway made in extending the field of municipal home rule, and at the same time in concentrating administrative responsibility and in the development of state administration in various fields. All of these have been commended as steps of progress. The Illinois public utility law has been bitterly condemned as a backward step in the movement for municipal home rule. Yet it also brings about a marked concentration of administrative responsibility and extends

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the domain of state administration. Are these different movements necessarily opposed? If so, which is the best line of progress? If not, how can they be harmonized with each other?

These questions are raised here, not for the purpose of offering a final answer, but to show some of the issues involved in a discussion of the Illinois public utility law. They may also serve to call attention to the danger and difficulty of attempting to solve large and complicated problems by applying a single principle or phrase, when a plexus of factors calls for a careful consideration of the proper correlation of different forces.

Turning more definitely to the Illinois situation and the steps leading to the passage of the recent law, it may not be amiss to note that in the early seventies, Illinois took a leading part in the movement of that time for the regulation of public utilities through a state commission, by creating a railroad and warehouse commission with power to regulate rates. And it was the litigation over the Illinois law of that time, which established—in the case of *Munn vs. Illinois*—the doctrine that the state could regulate business affected with a public interest.

Following this legislation Illinois remained for a long time in a quiescent condition. It was not until 1911 that the railroad commission had its jurisdiction extended to include express and other transportation companies operating on railroad lines or to embrace the larger powers over railroad transportation conferred by the later laws of other states and the amendments to the inter-state commerce law.

As to other public utilities, some provisions were made for municipal control. The constitution of 1870 requires the consent of the municipal authorities to the grant of street railway privileges in the public streets. By statute, the term of new street railway franchises is limited to twenty years, and frontage consents must be secured, and in some cities a popular vote is required. Municipal ownership of water works and street railroads have been authorized, under certain conditions; and the power of cities and villages to light the streets has been held to include the right to establish a municipal plant for that purpose. More recently the city of Chicago, by special legislation, has been given authority to regulate gas, electric light and telephone rates.

Under these laws, the city of Chicago has made notable contributions to the solution of public utility problems. The street railway ordinances of 1907, following an active contest comparable in duration and intensity with the Trojan war, formed a striking landmark in the recent development of the policy of regulation by contract. Yet critics have urged that within these ordinances, as in the gift of the Greeks, are provisions which may open the door to the enemy; complaints and dissatisfaction with present conditions within the city are increasing; while the suburban districts feel that the present arrangements fail to meet their needs. Rates of other utilities

have also been regulated by the city council; but the effective ordinances have been passed by agreement with the utility companies; and an ordinance fixing gas rates (following a political campaign for 70-cent gas) is now in litigation.

In some of the smaller cities, recent public utility franchises have more carefully guarded the public interests than those of earlier years. But in none of these cities is there any adequate legal power of continuous regulation; while the public utilities are rapidly extending their field of operations beyond municipal limits, and the financial control of these utilities is becoming still more strongly centralized.

At the legislative session in 1911, a committee of the Senate was appointed to investigate public utility conditions in Illinois and the laws of other states, and to report to the general assembly of 1913. The personnel of a majority of this committee, and its methods of investigation have been critized, as looking towards the protection of the utility companies rather than the public interests. Its report when presented late in the session gave some grounds for confirming this opinion.

Nevertheless the general opinion in favor of legislation for the regulation of public utilities was shown in the state platforms of the three leading political parties in the campaign of 1912. All of these declared in favor of such legislation, two of them distinctly supporting a state commission, while none of them mentioned the topic of municipal control which became so important in the discussion during the legislative session.

Some of those who had considered the question were of the opinion that the special conditions in and around Chicago were comparable to those of New York City; and those acquainted with public opinion in Chicago realized that there would be strong opposition to transferring the powers of that city to a state commission. That similar opinions, in favor of municipal rather than state control, existed in other cities did not attract attention until a meeting of the officials of commission governed cities held in Springfield in the latter part of December. At this meeting an address was delivered by Mr. E. W. Bemis in favor of municipal control of local utilities; and the organization adopted resolutions in favor of this plan.

Governor Dunne, in his inaugural address to the general assembly urged legislation for the regulation of public utilities on a plan combining both state and municipal control. He favored a state commission to control the capitalization of all public utility companies, and to regulate interurban utilities; while municipalities should be given powers of regulation over urban utilities and authority to own and operate municipal plants.

During the session a number of public utility bills were introduced. One closely followed the New York law, providing for two coördinate commissions, one for the city of Chicago to be appointed by the mayor, and one for the rest of the state to be appointed by the Governor. Senator

Dailey, for a majority of the senate committee of the preceding general assembly, introduced a bill for a single state commission to regulate all public utilities other than those under the jurisdiction of the railroad and warehouse commission, and providing for indeterminate franchises. Senator Glackin, for the minority of the Senate committee, introduced a bill representing the views of the city administration of Chicago. This proposed a state commission for the state outside of Chicago, with powers similar to those proposed by Governor Dunne; a city commission for Chicago, to be appointed by the mayor, with full powers over capitalization, reports, accounts, rates and services of all public utilities (including steam railroads) within the city; and provided for municipal regulation of rates and services by other cities of over 20,000 population.

The administration bill, which had been drafted by members of the department of political science of the University of Illinois, in coöperation with Mr. Bemis and representatives of the smaller cities, followed the recomendations of the governor. It provided for a state commission to take over the functions of the railroad and warehouse commission, to regulate reports, accounts and capitalization of all public utility companies, and to regulate rates and services of all public utility companies other than those under municipal regulation. Cities of over 25,000 population were to be given power to regulate local rates and services of public utilities operating within their limits, but with provisions by which any city by popular vote could surrender its authority and permit the state commission to exercise jurisdiction over the local utilities.

Criticisms of these measures soon appeared. The city council of Chicago adopted resolutions opposing any bill which reduced its authority,—as would be the case under either the Dailey bill or the Glackin bill. Some of the smaller cities objected to the population limit for municipal powers. The public utility companies opposed municipal control of rates, and favored concentrating control in a state commission. As the outcome of various conferences, the administration bill was revised and reported as a house committee bill. This followed in the main the plan of the original administration bill; but with the provisions for municipal control of rates and services elaborated in considerable detail, to meet the wishes of the city administration of Chicago. The municipal powers were given primarily to the city council. Provision was also made by which the smaller cities could, by popular vote, exercise the same powers over local utilities as the larger cities.

The committee bill was reported to the house late in the session; and on the floor of the house, in addition to some minor amendments, the article providing for municipal powers over local utilities was striken out by a close vote. Following a vigorous protest by the city council of Chicago, supported by the governor, the senate reinserted the article on municipal

control, and also struck out the provision for control of stock and bond issues. The house failed to concur in the senate amendments; and the senate, on the last night of the session, receded from its amendments.[2]

While the bill was in the hands of the governor, a veto was vigorously urged by the mayor, council and various civic organizations in Chicago, and by municipal officials of other cities. But a resolution asking for a veto was defeated at a meeting of the Mayors' Association of Illinois, in session at this time. The governor, in signing the bill issued a statement that, apart from city officials, he had received more requests to sign the bill than in opposition, and justified his action as the only way to insure any effective regulation of public utilities, while the law might later be amended to provide for municipal control of local utilities.

It is probable that many members of the general assembly who voted for the bill in the closing rush of the session had no thorough comprehenson of all the provisions of the complicated measure. The same may be said of many of those who have criticised the law, without examining its provisions or their relation to previous legislation. The law, which goes into operation January 1, 1914, provides for a state public utilities commission of five members, to be appointed by the governor and senate, to exercise extensive powers of regulation over all public utility companies—including steam, inter-urban and street railroads, express and other transportation companies, telegraph, telephone, lighting, water and power companies, grain warehouses and wharfingers. The powers and duties of the commission have been carefully worked out on the basis of a comprehensive study of the legislation of other states. These include control over reports and accounts, the issuance of stocks and bonds, valuation of property, and regulation of rates and services, with extensive powers of inquiry and investigation. The main principles of the law are similar to those of the Wisconsin law; but with two important differences which leave larger powers to municipalities than in Wisconsin —there is no provision for indeterminate franchises, and the state commission has no jurisdiction over municipal plants. The administrative provisions, regulating the procedure before the commission and review by the courts, have been prepared with unusual care.

The omission of the article granting municipal powers of regulation over local utilities seriously alters some of the principles of the original bill; and the haste with which the amendments were made have left some minor inconsistencies in the law, and have also left uncertain some more important matters, as to the effect of the law on the previous powers of municipalities,

[2] In the house the municipal article had been stricken out by a vote of 69; and later 70 members voted to concur in the senate amendments, but this was not a majority of the whole number, as required at this stage. The bill was passed in both houses with the aid of votes by friends of the governor who had supported the municipal home rule provisions.

which should have been made clear if the bill had been originally prepared to give the state commission as extensive powers over local utilities as it has in the form the bill has become law. Nevertheless, the law as it stands, is substantially a consistent and coherent piece of legislation. The omission of the article on municipal powers does not directly repeal any of the existing powers of cities; and the indirect effect on existing powers is less than has been assumed by many critics of the measure. The law does not nullify existing contracts, such as the Chicago street railway agreements of 1907. It does not take away from the local authorities the power over new franchise grants in the public streets. It does not even repeal the power of the city of Chicago to regulate rates of certain public utilities; though it is probable this authority will be made less effective, as the companies are likely to prefer to go to the state commission instead of bargaining with council committees.

Attention should also be called to the comprehensive municipal ownership law passed this year, which greatly enlarges the powers of cities to acquire and operate public utilities.

Amendments to the public utilities law will be needed, at least to make clearer the line of demarcation between the powers of municipalities and the state commission. Vigorous efforts will also be made to enact the omitted article on municipal powers; and the governor has been urged to call a special session of the general assembly for this purpose before the law goes into operation. The nature and extent of changes in the law will, however, be much affected by the character of the first commissioners and the effectiveness of their work.

As to the merits of the proposed provisions for municipal control of local utilities, the opinion of the writer differs both from the law as enacted and from the bill in its earlier forms. The situation in and around Chicago is one which calls for special treatment, and one where a large measure of local control seems to be warranted. But the local problems concern more than the city of Chicago; and there is need for the recognition of the larger metropolitian district. There is also need for an administrative body with powers of continuous regulation over all public utilities, in place of the present system of divided responsibility through a number of committees and boards. For some of the other large urban areas a case might also be urged for a local commission. But for most of the cities in the state the local and inter-urban problems are so interwoven, and the financial resources of the municipalities are so limited, that effective regulation would seem to call for the larger resources and powers of a state commission, at least as an appellate authority over the regulations of local authorities.

# MUNICIPAL VS. STATE CONTROL OF PUBLIC UTILITIES

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THE movement to take the control of municipal utilities out of the hands of local authorities and place them under a state commission, is a recent one, yet the plan proposed has already been adopted in many states, and from present indications it seems likely that it will soon be the generally accepted policy in this country. Some plausible arguments are advanced in support of this new policy, and many sincere reformers are giving it enthusiastic support, believing that it will secure effective regulation of public utilities within our cities. The arguments in favor of state control have been much discussed in the last few years and are familiar to all students of municipal government.

There is, however, one phase of the question that has received little, if any, attention at the hands of those who have advocated state control of municipal utilities. This policy has been urged and adopted as a means of securing more effective regulation of such utilities in the interest of our urban communities. Nevertheless, it does not follow that cities will be better protected under the system of state regulation. It is worthy of consideration that this agitation for state control is subsequent to the great popular movement to place municipal government in the hands of the people of our cities. It was not in evidence so long as cities were dominated by political machines subservient to the special interests. Only since municipal democracy has appeared with its insistent demand that the people of our cities shall have the control of franchises in their own hands, has the movement for state control acquired an apparently irresistible force. It has not come as a popular demand from the cities themselves. Indeed American cities have learned from a rather bitter experience that constant vigilance has been necessary to prevent public utility corporations from foisting upon them through the state government, franchise and other legislation advantageous to such interests, without much regard to the welfare of the people directly concerned. No fact in recent municipal history stands out more clearly than that the state government has failed to protect cities against the abuses of public service corporations operating within their limits. Not only has the state failed to afford adequate protection, but it has tied the hands of the city in dealing with these corporations, until it is unable to protect itself. This situation has been brought about through both legislative acts and court decisions.

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A study of recent municipal history makes it evident that the evils of American municipal government have been due to two main causes: (1) the exercise of control by the state over matters that are, and ought to be regarded as local, and (2) the lack of municipal democracy. The effort to solve this problem has taken the form of a demand for home rule and the right to organize municipal government in such manner as to make it more responsive to local public opinion. Within the last ten years much progress has been made in the direction of responsive municipal government. With this greater accountability of public officials in our cities to the municipal public, there is little danger that such powers of regulation as may be entrusted to local authorities, will be exercised to the detriment of the local population.

It is urged, however, that municipal authorities can not be trusted to regulate local utilities, since this would mean regulation by an interested party—the local public. It is easy to see that such an argument would be acceptable to local utility corporations subject to regulation, but it would be difficult to reconcile any such contention with the general viewpoint of democracy. If cities can not be trusted with the powers needed for effective regulation of local utilities, merely because they are interested in the results of such regulation, then it would likewise follow that neither a state government nor the national government should have the power to regulate railways, trusts, or other matters in which the people of an entire state, or the country as a whole, are interested. Indeed this argument of which much is made in the recent literature concerning regulation of municipal utilities, is really based upon the old undemocratic conception that the control of governmental functions should not be entrusted to the majority of the voters.

No principle of political science is more self-evident than that regulation to be effective and in the interest of the public, must be entrusted to some governmental authority directly responsible to those who would be benefited by effective regulation. To deprive a city of all power to regulate matters in which it is vitally interested, and to transfer this function to the state government whose constituency is not directly or vitally interested in effective regulation of such matters, is to remove the only guarantee that local interests will be protected.

This political movement to substitute state for municipal regulation of local utilities has its origin in the efforts of corporations operating under municipal franchises, to protect themselves against the consequences of rising prices. From 1873 until 1897 prices were upon the whole rapidly declining. This too was the period when municipal utilities were coming to be recognized as a highly profitable field for the investment of private capital. This period also represented the high-water mark of corruption and irresponsibility in the government of both city and state. Franchises

were procured easily and without much regard to the rights and interests of the public affected thereby. Inasmuch as the general tendency of prices was downward, public utility corporations, operating under franchises authorizing them to charge a fixed price, enjoyed as against the public, all the advantages of a constantly increasing rate for service. This downward movement of general prices, taken in connection with the fixed money charge authorized in the franchise grants, made it to the interest of the public utility corporations to regard franchise provisions fixing the price for service, as a contract, protected by the constitution of the United States, against modification by city or state in the interest of the public.

The view that a franchise is a contract is expressed in a decision of the United States supreme court as recently as March 3, 1902 (*City of Detroit vs. Detroit Citizens' Street Railway Company*, 184 U. S. 368). The common council of Detroit attempted to reduce the rates of fare on various street railway lines of the city. This was opposed by the company on the ground that the ordinances providing for such reductions were in violation of the federal constitution, "because they impaired the obligation of contracts." The contention was made on behalf of the city of Detroit that the franchise did not constitute a contract as to rates of fare and that such rates could be reduced by the city. The court held that the provision in the franchise that the rate of fare for one passenger should not be more than five cents, did not give any right to the city "to reduce it below the rate of five cents established by the company. It is a contract which gives the company the right to charge a rate of fare up to the sum of five cents for a single passenger, and leaves no power with the city to reduce it without the consent of the company."

As mentioned above, it was to the advantage of public utility corporations to have this view of the franchise sustained, since it deprived the public of the power to make such reductions in public utility rates as were necessary to prevent them from becoming a constantly increasing and unjust burden upon the public. It was but a few years after 1897, however, before the representatives of public utility corporations began to realize that the general downward movement of prices following 1873, had given place to an era of rapidly rising prices. Under this new situation the public utility corporations faced the possibility of diminished income, unless something could be done which would permit the increase of rates above the maximum fixed in the franchise. It was, of course, readily seen that such increases in rates as might be desired, would be difficult to bring about, if the consent of the municipality concerned were required. The people directly affected by any proposed increase of this sort would have to be convinced that a reasonable return could not be secured on the basis of a fair valuation, by honest and efficient management of the business, before they would consent to any increase in the rates fixed in the franchise.

From the point of view of the public utility companies, it was good policy to further the substitution of state for municipal regulation of these matters. And although this has been advocated on the ground that it would secure a more equitable adjustment of such controversies, in that it would ensure a disinterested regulating agency, one can scarcely resist the conclusion that public utility support for this proposal has in view something more than mere equity to all parties concerned. In addition to the fact that state regulation would evade the inconvenience of responsibility to a constituency directly affected by such regulation, it would also make it possible to preserve the contract theory of the franchise and at the same time obtain some increases in franchise rates. The view that the supreme court of the United States affirmed in the Detroit case could easily be adapted to the new situation. To hold that the franchise is a contract under the protection of the federal constitution, does not preclude the possibility of modifying its terms, if both parties consent thereto. The substitution of the state for the city as the party public to the contract, was the first step toward meeting the needs of this new situation. By placing in the hands of a state commission the authority to act for and as the representative of the public interest, with power to bind the public by its acts, the public utility corporations hoped to lay the foundation for possible increases in rates without jeopardizing the view that a franchise is a contract. Nor can it be denied that our experience has to some extent justified the corporate expectation of lenient treatment at the hands of state commissions. State control, instead of protecting cities against exploitation at the hands of their public utility corporations has only too often been exercised in the interest of corporate domination.

Even a young state, such as Washington, furnishes many illustrations of the danger that state control of local utilities will be exercised too largely from the point of view of the public utility corporations. In 1911 the state legislature enacted the public service commission law. By this act the jurisdiction of the railway commission was extended to include municipal utilities and its name changed to that of the public service commission.

Prior to the creation of this commission state control over local utilities, in so far as it had been exercised, had been exercised through the legislature and the courts. One might expect to find in the attitude of these two branches of the state government some indication of the results that may possibly follow complete state control under the public service commission plan.

A careful examination of the decisions of the supreme court of Washington, relating to municipal utilities, indicates an attitude of mind on the part of the court more or less tinged with the corporation viewpoint. In 1899 the city council of Seattle granted a blanket franchise to a newly

organized street railway corporation—the Seattle Electric Company. This corporation was to take over and consolidate the lines of various independent street railway companies. The franchises of these separate corporations were to be surrendered and all the lines operated under the new franchise. The legality of the new blanket franchise was contested on the ground that it was in conflict with a provision of the charter of Seattle which prohibited the extension of any franchise until within three years of the expiration of the time for which it had been granted. The court held that this charter provision could not prevent the surrender of the old franchise at any time in return for one having a longer term to run. (*Wood vs. Seattle*, 23 Wash. 19.) To guard against the consequences that might possibly result from this decision in the future, an amendment to the charter of Seattle was adopted in 1908, which provided that the city council could not extend any existing franchise or grant any new franchise covering all or any substantial part of the rights and privileges of any existing franchise until within three years of the expiration of the existing grant, and then only after submission to, and approval by majority vote of, the qualified electors. An amendment was also adopted, the object of which was to prevent the possibility of new franchise grants being made, which would extend the rights of the company on additional streets beyond the termination of the original blanket franchise.

The validity of these amendments was attacked by the street railway company and a decision was handed down by the supreme court, which declared them null and void. This decision effectually deprived the first class cities, which were supposed to enjoy the constitutional advantages of home rule, of all power to control the conditions under which street railway franchises were granted. It is interesting to note that this decision, which gave to the city councils practically unlimited power in relation to the granting of street railway franchises, was written by a member of the supreme court, who afterwards resigned from that body under the pressure of public opinion, because he had submitted a decision, affecting the Great Northern Railway, to its legal representative for revision and approval, and afterward filed the opinion thus revised and approved as his own. The street railway case above referred to is that of *Benton vs. The Seattle Electric Company* (50 Wash. 156). The opinion in this case was by Judge Root, and it has been reaffirmed in subsequent decisions of the supreme court.

The point upon which these decisions turned was the meaning of the expression "legislative authority of the city," as used in the home rule provision of the state constitution and in various statutes relating to the granting of street railway franchises. The act of the legislature of 1890 relating to the powers of cities of the first class, which were by the constitution authorized to frame charters for their own government, provided

that "the legislative powers of any [such] city . . . . shall be vested in a mayor and a city council . . . . to have such powers, as may be provided for in its charter (L. 1890, p. 223, §6). The expression "the legislative authority of the city" as used in this and subsequent acts of the legislature has been interpreted by the supreme court to mean the mayor and the city council, and to render illegal any attempt by the people of the city to limit this power, either by charter provisions prescribing the conditions in accordance with which it shall be exercised by the council, or by direct participation of the voters through the referendum as applied to street railway franchises.

A very recent decision of the supreme court of Washington (*Dolan vs. Puget Sound Traction, Light and Power Company*, March 3, 1913) clearly indicates the attitude of that body toward the question of municipal control of local utilities. In its decision in this case the court says that "the power to grant franchises is a sovereign power. . . . . When the legislature of the state authorizes cities of the first class to frame their own charters, and says that the powers, duties, and functions shall be as provided therein with respect to their own government, it can not be reasonably claimed that the right to grant franchises is included therein; (1) because such grants must be direct and clear, and (2) because the grant of franchises is not a part of their 'own government,' but a delegated power of the state."

It should be observed that the constitutional provision authorizing cities of 20,000 or more to frame charters for their "own government" was ignored by the court in this decision, the legislature being regarded as the sole source from which cities of this class derived their powers. An analysis of these decisions of the supreme court of Washington, brings out clearly the attitude of the court toward municipal self-government. The decisions of that body have uniformly recognized the right of cities, acting through the city council and the mayor, to grant franchises to street railway companies. According to the court this power "to grant franchises is a sovereign power" delegated by the state and cannot be exercised by cities unless expressly delegated to them. The legislature has, it is true, expressly conferred this power upon "the legislative authority of the city," but the court has held that for the purpose of granting franchises to street railway companies, the legislative authority is vested exclusively in the council and mayor, notwithstanding the statutory provision that these officials of the city "are to have such powers as may be provided for in its charter." If this provision means any thing at all, it means that the people of the city have the right to prescribe in their charter such conditions and safeguards as are designed to protect their interests. But although the granting of franchises is from many points of view the most important matter with which municipal government

has to deal, it is according to our supreme court, nevertheless, a sovereign power entrusted only to the representative agency of the mayor and city council, whose discretion in its exercise can not be limited or controlled by the people of the city.

It is evident that these decisions are really based on the political belief of the court that it is dangerous to allow the people of a city to exercise any direct control over what they call the "sovereign power" of granting franchises. Their readiness to recognize the practically unlimited power of a representative body over this important matter, and their refusal to recognize the people of a city as entitled to any direct voice in a question that so directly and vitally concerns them, shows clearly their attitude toward the new movement to establish municipal democracy with real powers of local self-government.

The conclusion arrived at by the court in these cases is also difficult to defend in view of the fact that a statute enacted by the legislature in 1903 authorizes the submission by initiative petition of charter amendments "providing for any matter within the realm of local affairs, or municipal business" and their adoption by a majority of the voters voting thereon. And yet in spite of this and other acts which expressly recognize the right of the people to control the exercise of such legislative power as has been delegated to cities, the court holds that the franchise granting power, although delegated to cities, can not be brought under the direct control of the people.

The attitude of the court in the matter of franchises is made still more difficult to explain, when compared with its decision in *Walker vs. Spokane* (62 Wash. 312), decided March 3, 1911. This case involved the legality of the commission form of government, adopted by Spokane in December, 1910. It was the contention of the plaintiff in this case that the statutes of this state had made the mayor and council the legislative authority of a city, and that the new charter by merging the legislative and executive powers of the city officers in the hands of a commission, subject at all times to the direction of the people by the initiative, referendum and recall, was in violation of the statutes of the state. In upholding the commission form of government, as the court did in this case, it expressed the view that the act of 1903 authorizing the amendment of city charters by the initiative and referendum, had the effect of granting "larger and more extensive powers to the city government, and that the limitation in the former law, to the effect that the legislative powers should be vested in a mayor and a city council, had been modified."

The reasonable interpretation of the expression, "the legislative authority of the city" adopted by the court in this case, was rejected entirely by that body when the same point was brought up again in a case involving the right of the people to exercise control over the granting of

franchises. It is difficult for a layman to see how the court's decision in the Spokane commission government case can be reconciled with its franchise decisions. But whatever the court's attitude toward the wisdom of commission government may be, one fact is perfectly clear—it unequivocally denies the right of the people to exercise any direct control over public utility franchises.

The public service commission bill, as originally introduced, in 1911, contained a provision giving the commission control over municipally owned and operated utilities. A determined fight against this feature of the act by cities owning public utilities, finally resulted in its elimination. The attempt to put municipally owned utilities under the control of the commission was renewed in the legislature of 1913. The public utility corporations were actively and openly working to bring this about and were supported in this effort by the state public service commission. The plan of the public service commission and the corporations failed again only after strenuous opposition from the cities, and from present indications the effort to deprive cities of the control of their own utilities will be renewed when the legislature meets again. The members of the old commission have since resigned, but two of the former members of that body are publicly supporting the movement which the utility corporations are pushing to take the control of publicly owned utilities out of the hands of the cities. One of the reasons given in support of this proposal is the competition of publicly owned plants. It is not difficult to see that this is indeed the main reason why the corporations are trying to deprive cities of the right to manage their own utilities. Cities like Seattle and Tacoma, owning large and efficient light and power plants, have greatly lessened the cost of light and power to consumers. The competition of public plants has in fact been the only available means of protecting the public against excessive charges for such service. And now that these municipal undertakings are accomplishing what direct regulation has heretofore failed to accomplish, the private corporations thus subjected to indirect but effective municipal regulation, are making a persistent attempt to deprive cities of this means of protection.

Another feature of the public service commission act deserves mention. It contained the provision that "no street railroad company shall charge, demand or collect more than five cents for one continuous ride within the corporate limits of any city or town." This clause was probably necessary to ensure the enactment of the bill as a whole. The Stone and Webster interests through the daily papers had called the attention of the public to the decreased purchasing power of money and sought to lay the foundation for the claim that the five-cent fare fixed in the franchise represented insufficient remuneration for the service rendered. If this provision had not been included in the law, the commission would

have been able on the application of the street railway companies to order an increase in rates above the maximum of five cents fixed in the franchises. At the next session of the legislature (1913) an effort was made by the corporations to secure the repeal of this limitation on the powers of the commission. The effort failed through the active opposition of the cities affected.

Defeated in the legislature the corporations turned to the courts. The penalty provided for violation of the five-cent fare provision of the public service commission act was "imprisonment in the county jail for not more than one year" or a fine of not more than $1000, or both. An official of a street railway company was convicted in the justice court of Seattle for violating this provision by collecting a ten-cent fare. The superior court and the supreme court both sustained the demurrer of the defendant, holding in substance that this was unconstitutional in that it deprived street railway corporations of rights without due process of law (*State of Washington vs. Crawford,* July 8, 1913).

In view of such facts as those above mentioned, it is not surprising that public service commission control of local utilities should be regarded with some apprehension. Our experience under state commission control has as yet been somewhat limited, but one case may be referred to which shows the possible advantages of the plan to public utility corporations. An application was made to the commission for permission to increase the rates charged by the Independent Telephone Company of Seattle. This proposed increase above the maximum fixed in the franchise granted by the city, was opposed by the municipal authorities. The commission authorized the increase in rates and the supreme court upheld its decision (*State ex rel. Webster vs. Superior Court,* 67 Wash. 37).

It may be claimed that if such a commission has the authority to increase rates above the maximum fixed in the franchise, it also has the power to reduce them. This conclusion, however, does not necessarily follow. If the view affirmed by the supreme court of the United States in the Detroit Citizens' Street Railway case should be upheld by that body in the future, it would seem that the contract theory of the franchise might be successfully invoked by the corporations to prevent rate reductions, since this would be an attempt to reduce rates authorized in the franchise "without the consent of the company." Until such time as the supreme court of the United States abandons entirely the contract theory of a franchise, the advantage which will accrue to our cities as a result of the public service commission movement may be regarded as questionable.

One argument of which much is made by the promoters of state control through a commission, is that such a plan will take the question of public utility control out of politics. It is easy to see that in depriving

cities of all power in relation to public utilities, this vitally important matter is in fact taken out of municipal politics. It merely transfers this question, however, to another and larger political arena, the state, and in this arena the public utility corporations by making common cause hope to secure more satisfactory results than is possible through the now democratized municipal governments.

# THE COMING OF THE CITY MANAGER PLAN

[This is the report of the National Municipal League's committee on the commission form of government and is a supplement to its report[1] made two years ago at the Richmond conference of the League.]

INSTEAD of 3,894,173 as in 1911, commission government now rules a population of 7,086,225 and the number of towns and cities under this form has increased from 93 to 300.

The Des Moines charter is still the standard.

Nine cities have followed the Grand Junction (Colo.) variation which provides the preferential ballot. The device has proven workable and economical and the extension of its use deserves encouragement.

The recent city manager variation, hereinafter described, embodies the first significant change in structure.

One much mooted question has always been whether commissioners should be elected for specific posts (as in Lynn, Mass.) or on a general ticket with power to divide the departments among themselves after election (as in Galveston and Des Moines.) The tendency of charter-makers since 1911 is toward the Lynn system. The Kansas law has been amended after a trial of the Des Moines plan and the Lynn plan substituted.

The argument for the original general ticket plan is based on the grounds that the people will in either case elect on issues of representation rather than on issues of the technical fitness of candidates, and that in such case the commission by intensive close-hand investigation of the experience and ability of its members can make best use of the material available. Moreover election to specific office tends to create five city governments instead of one, diminishes the influence and control of the commission over its individual members and thus interferes with the "unification of powers."

[1] That report appeared in the NATIONAL MUNICIPAL REVIEW for January, 1912 (vol. i, p. 40).

The major features of the former report were as follows:

"1. Commission government is a relative success. . . . .

"2. This relative success of commission government results primarily because it is more democratic (i. e., sensitive to public opinion) than the old forms. Among the features which undoubtedly are responsible for this increased sensitiveness are:

"*a*. Its unification of powers. . . . .

"*b*. The short ballot.

"Being acutely sensitive, and therefore anxious to please, commission government has been giving the people better government. . . . .

"Commission government could reasonably be expected to succeed with these features alone, and no new charter should ever be classified as true commission government which lacks these essentials."

The committee consists of William Bennett Munro, Harvard University; Charles A. Beard, Columbia University; Ernest S. Bradford, Washington; Clinton Rogers Woodruff, Philadelphia, and Richard S. Childs, New York, Chairman.

Advocates of the "specific-office" plan point out that candidates are entitled to know what their positions will be in the government and the voters, too, are entitled to know what department a given candidate, if successful, will direct. A candidate may not desire to run unless a certain department is to be his and the voter may willingly vote for a man as candidate for one department but not for another department.

A majority of your committee believes that neither solution is as sound as that offered by the city manager plan in which the whole question disappears (see "6" below).

*The city manager variation*

*Definition of the city manager plan.* A single elective board (commission) representative, supervisory and legislative in function, the members giving only part time to municipal work and receiving nominal salaries or none. An appointive chief executive (city manager) hired by the board from anywhere in the country and holding office at the pleasure of the board. The manager appoints and controls the remaining city employees, subject to adequate civil service provisions.

*History.* The first city manager charter was presented to the legislature of New York in 1911 by the Lockport board of trade and widely commented upon as "the Lockport plan." It failed of passage in the legislature.

In 1912 it was adopted by the South Carolina legislature in a special act for the city of Sumter (population 8109) and subsequently adopted by that city, going into effect January 1, 1913, and thereafter known as the Sumter plan.

In 1913 it was adopted by Hickory, N. C. (population 3176), and Morganton, N. C. (population 2712); Dayton, O. (population 116,577); Springfield, O. (population 46,921); La Grande, Ore. (population 4843); Phoenix, Ariz. (population 11134); Morris, Minn. (population 1885). Adopted as one of three plans in a general optional law by the Ohio legislature, applicable to any city.

It was also submitted, unsuccessfully, in Elyria and Youngstown, O.

The Lockport draft remains at present the model and the Springfield charter is the best thus far put into effect.

*Comments.* The swift development of popularity for the city manager idea ensures a wide and thorough trial of the plan and its rapid spread may be confidently predicted.

This variation has both of the great basic merits which our earlier report ascribed to the original commission plan, namely, the "unification of powers" and "the short ballot."

At this point the committee divides.

MAJORITY REPORT

Majority report as to the city manager variation of commission government by Charles A. Beard, Clinton Rogers Woodruff, William Bennett Munro and Richard S. Childs.

The city manager feature is a valuable addition to the commission plan, and we recommend to charter-makers serious consideration of the inclusion of this feature in new commission government charters. Its advantages are:

1. It creates a single-headed administrative establishment instead of the five separate administrative establishments seen in the Des Moines plan. This administrative unity makes for harmony between municipal departments since all are subject to a common head.

2. The city manager plan permits expertness in administration at the point where it is most valuable, namely, at the head.

3. It permits comparative permanence in the office of the chief executive, whereas in all plans involving elective executives, long tenures are rare.

*a.* This permanence tends to rid us of amateur and transient executives and to substitute experienced experts.

*b.* This permanence gives to the administrative establishment the superior stability and continuity of personnel and policies which is a necessary precedent to solid and enduring administrative reforms.

*c.* This permanence makes more feasible the consideration and carrying out of far-sighted projects extending over long terms of years.

*d.* This permanence makes it worth while for the executives to educate themselves seriously in municipal affairs, in the assurance that such education will be useful over a long period and in more than one city.

4. The city manager plan permits the chief executives to migrate from city to city, inasmuch as the city manager is not to be necessarily a resident of the city at the time of his appointment, and thus an experienced man can be summoned at advanced salary from a similar post in another city.

*a*. This exchangeability opens up a splendid new profession, that of "city managership."

*b*. This exchangeability provides an ideal vehicle for the interchange of experience among the cities.

5. The city manager plan, while giving a single-headed administration, abolishes the one-man power seen in the old mayor-and-council plan. The manager has no independence and the city need not suffer from his personal whims or prejudices since he is subject to instant correction, or even discharge, by the commission. Likewise, in the commission, each member's individual whims or prejudices are safely submerged and averaged in the combined judgment of the whole commission, since no member exerts any authority in the municipal government save as one voting member of the commission.

*a.* This abolition of one-man power makes safer the free-handed extension of municipal powers and operations unhampered by checks and balances and red tape.

*b.* More discretion can be left to administrative officers to establish rulings as they go along, since they are subject to continuous control and the ultimate appeal of dissatisfied citizens is to the fairness and intelligence of a group (the commission) rather than to a single and possibly opinionated man (an elective mayor). Inversely, laws and ordinances can be simpler, thus reducing the field of legal interpretation and bringing municipal business nearer to the simplicity, flexibility and straightforwardness of private business.

6. The city manager plan abandons all attempts to choose administrators by popular election. This is desirable because:

*a.* It is as difficult for the people to gauge executive and administrative ability in candidates as to estimate the professional worth of engineers or attorneys. As stated under No. 13 in our 1911 report, such tasks are not properly popular functions.

*b.* By removing all requirements of technical or administrative ability in elective officers, it broadens the field of popular choice and leaves the people free to follow their instinct which is to choose candidates primarily with reference to their representative character only. Laboring men, for instance, can then freely elect their own men to the commission, and there is no requirement (as in the Des Moines charter) that these representatives shall, despite their inexperience in managing large affairs be given the active personal management of a more or less technical municipal department.

7. The city manager plan leaves the lines of responsibility unmistakably clear, avoiding the confusion in the Des Moines plan between the responsibility of the individual commissioners and that of the commission as a whole.

8. It provides basis for better discipline and harmony, inasmuch as the city manager cannot safely be at odds with the commission, as can the Des Moines commissioners in their capacity as department heads, or the mayor with the council in the mayor-and-council plan.

9. It is better adapted for large cities than the Des Moines plan.

Large cities should have more than five members in their commission to avoid overloading the members with work and responsibility, and to avoid conferring too much legislative power per individual member.

Unlike the Des Moines plan, the city manager plan permits such enlarged commissions, and so opens the way to the broader and more diversified representation which large cities need.

10. In very small cities, by providing the services of one well-paid manager instead of five or three paid commissioners, it makes possible economy in salaries and overhead expenses.

11. It permits ward elections or proportional representation as the Des Moines plan does not. One or the other of these is likely to prove desirable in very large cities to preserve a district size that will not be so big that the cost and difficulty of effective canvassing will balk independent candidacies, thereby giving a monopoly of hopeful nominations to permanent political machines (see No. 11 in the 1911 report.)

12. It creates positions (membership in the commission) which should be attractive to first class citizens, since the service offers opportunities for high usefulness without interruption of their private careers.

MINORITY REPORT

By Ernest S. Bradford.

Greater unity in city government, which is coming to be demanded in some commission governed cities, can best be secured by giving the mayor more power than the other commissioners, thus placing him in the position to properly coördinate the activities of all departments and to compel, if necessary, unity of action. This is in line with previous recommendations of the National Municipal League, which has favored a strong mayor. It is doubtful whether the idea should be carried as far as it is applied in Houston, Texas, but it may be desirable to experiment in this direction. The mayor would, in this case, become the managing and directing force of the city.

The city manager plan departs in several respects from commission government lines, and it is doubtful whether it should be classed as a mere variation of commission government rather than a brand new plan. It contemplates, we are told, the election of a commission unpaid, or receiving only nominal salaries. Most commissioners are paid, under the commission form, some well paid; many devote their entire time to city affairs.

The city manager plan permits election by wards. Every commission governed city so far has abandoned ward elections.

The city manager plan should be tried and the results secured under its operation impartially examined; but it should not be classed under the head of the commission form until it is very clear that it substantially agrees with the important features of that form. The same credentials should be required of this new plan as were held necessary in the case of the commission form, i.e., evidence that under it municipal conditions are better than they were under the aldermanic form; and in addition, the evidence should be clear that the city manager plan is superior to the commission form, before the latter, now tested for ten years and more, is relinquished for a new and untried type of government.[2]

[2] Since the above report was presented, three towns—Terrell, Texas (population 7050), Amarillo, Texas (population, 9957) and Abilene, Kansas (population, 4118)—have changed from the Des Moines type to the city manager type of commission government.

# PROPORTIONAL REPRESENTATION, PREFERENTIAL VOTING, AND DIRECT PRIMARIES

BY CLARENCE G. HOAG[1]

*Haverford, Pa.*

NEITHER "direct" nor any other kind of primaries can serve any useful purpose in our electoral system, according to my view, as soon as we make use of a ballot that permits the voter to express his will adequately. The ordinary old-fashioned ballot arbitrarily restricts the voter in the expression of his will to such an extent that its use in both primary and final election is less likely to make his real will effective than an adequate ballot would be at a single election.

What is an adequate ballot? It is one that lets the voter express his wishes fully enough for them to be carried out under any circumstances that may, as the counting of the ballots proceeds, be found to have arisen. If, for example, there are four candidates running for one office, and you prefer Smith but think he has scarcely any chance of winning, the adequate ballot lets you instruct the election officials to count you for Smith unless it is found that either Jones or Brown is to win, in which case the election officials are to count you for Brown as against Jones. And a ballot that makes it impossible for you thus to vote for the man you really prefer without danger of throwing your vote away, in other words, a non-preferential ballot, not only requires costly and elaborate primaries, but fails, even with primaries, to reveal the people's real will as well as the preferential ballot can reveal it at a single election.

All primaries, then, in my opinion, should be done away with, preferential ballots being used in all elections.

We now come to a distinction of the utmost importance in our political thinking. Voting, which is at the basis of our modern democratic governments, has two distinct objects to carry out, and they must not be confused with each other. One object of voting is to make *decisions*, for example as to which of several competing policies shall be carried out, or as to which of several candidates for an administrative position shall be selected. In carrying out this object of voting, what is wanted is a preferential ballot to be counted according to rules by which the preference of a majority of the voters for one of the competing policies or candidates over any of the others *taken singly* will be deduced correctly. A voting system that

[1] Secretary of the American Proportional Representation League. This paper was read at the Annual Meeting of the National Municipal League, Toronto, November 14, 1913.

undertakes to do just this was introduced in Grand Junction several years ago under the leadership of Mr. James W. Bucklin. With slight modifications this system—the Grand Junction or Bucklin system, as it should be called —has been adopted, as many of you know, by Spokane, Denver, Cleveland, and other cities. The defects of the rules for counting the ballots under this system, which seem to me more than trivial, have been fully explained in publications of the Proportional Representation League. In spite of its imperfections, however, the system is serving a very useful purpose in introducing the preferential or adequate ballot. It is to be hoped that such of its defects as are not inherent will soon be eradicated from it and that eventually the whole system will give place to the infallible Nanson system explained in the Proportional Representation League's *Pamphlet No. 3.*

So much, then, for the first object of voting, which is to *make decisions*, and which therefore requires rules for counting the ballots that are suitable for deducing from them which policy or candidate, of the several in question, has the support of a majority as against any one of the competing policies or candidates taken singly.

We now come to the second object of voting. This is not to make decisions at all, but to *make up a body fit to make them on behalf of all the voters.* Now, though the principles of democracy require that the decisions made *in* such a body, like those made directly at the polls, should be made by majority voting, they by no means require that the body itself should be *made up* by majority voting. In making up such a body, as has been recognized universally—though until recently very confusedly—each member's right to a seat should rest on his being the choice, not of a majority of all the voters, but merely of such a part of them as is known as a constituency. It is this principle of the constituency, of course, that is at the basis of the district—in cities, the ward—system of representation. If a city is to elect nine councilmen, ran the reasoning of those who devised the district system, a ninth of the city has a right to elect one. This reasoning was essentially right, and always will be. It is only in the application of this principle that the district system is wrong, utterly wrong, and has hampered grieviously, in more ways than we shall ever know, the flowering and the fruiting of democracy.

The blunder of the district or ward system, which will seem ridiculous to our children, consists in defining the constituency of each member by an arbitrary geographical line and then allowing a plurality—or a majority—of the voters within the designated area to elect the "representative." Such a method virtually disfranchises not only all who vote against the candidate elected, who frequently comprise from 40 per cent to 60 per cent of the whole electorate, but also—to a less degree—those who voted for that candidate in the final election not because they preferred him to all others

but only because they disliked him less than any of the others who had come through the primaries as officially recognized candidates.

In this way the system makes it certain that most of the ballots will be thrown away if marked for the voter's first choice, therefore discouraging the expression of his real will on the ballot, and makes it probable that a large percentage of them will be utterly ineffective *even as marked.*

How this crude ward system works out in the make-up of a council may be tested by the returns of any city election. I will illustrate with the figures of the election of sixteen councilmen by wards in Columbus, Ohio, on November 4. I take the figures of that city for no other reason than that I happened to be there the day after the election. In the election of the sixteen ward councilmen in Columbus the Democrats cast about 43 per cent of the votes, the Republicans about 40 per cent, the Socialists about 13 per cent, and others about 3 per cent. Now, it is easy to see that if the adherents of all these parties had happened to be distributed quite evenly throughout the sixteen wards, the Democrats would have elected their man in every one. If, on the other hand, the distribution had been less favorable to the Democrats, they would have won fewer seats. And if they had happened to be packed solidly into as few wards as possible, they would have filled less than half of them and could not have elected more than eight of the ward councilmen. Whether, therefore, the Democrats elected eight councilmen, or nine, or ten, or eleven, or twelve, or thirteen, or fourteen, or fifteen, or sixteen, depended on nobody's opinion or will or vote but only on blind chance—how the Democrats happened to be distributed geographically throughout the city—unless it depended on something still worse, the deliberate injustice known as gerrymandering.

To get rid of this defect it is necessary only to substitute for the arbitrary geographical constituency of the ward system a constituency defined as *enough voters anywhere in the city, unanimous in the support of a candidate, to deserve to send him in.* In other words it is necessary only to define the constituency in terms of *unanimity of will* instead of in those of *proximity of home.*

The result of making this simple but extremely important change is commonly called "proportional representation." A name better from some points of view, notably from that of municipal government, would be unanimous-constituency, or true, representation.

The simplest unanimous-constituency or proportional system for electing a representative body—say a city council of nine—is arrived at by providing merely that the members shall be elected at large, that no voter shall vote for more than one, and that the nine candidates who receive most votes shall be elected. This is the system actually used for the election of the Japanese House of Representatives, Japan having endured

only from 1889, the year of her constitution, until 1900 the district system that still hinders political and social progress in Canada and the United States.

Though the constituencies that elect members under this system are all unanimous, they may be very unequal in size; the candidate who receives the most votes may receive two or three times as many as the weakest one of the nine elected. This possibility naturally leads groups of voters to estimate carefully how many candidates they can elect by dividing their strength, as nearly equally as possible, among several. And to carry out such a program as this successfully it becomes necessary for the ordinary voter to cast his vote for one or another of his group's candidates according to advice from the group's headquarters. In spite of these obvious drawbacks this Japanese system is far better than the district system and should be supported for the election of representative bodies in cases where the obstacles in the way of the adoption of the still better systems I shall now describe are really insuperable.

What is it that the Japanese system lacks? Why, simply the adequate or preferential ballot that is found so useful in majority voting, the ballot that permits the voter to express his will as fully as he wants to, so that it can be carried out in the count under almost any circumstances that may be found to have arisen.

Perhaps the simplest system of unanimous-constituency representation in which a sort of preferential ballot is used is that explained in the American Proportional Representation League's *Pamphlet No. 3*. Its main features are these. Candidates are nominated—by petition, of course—in lists. The several lists of candidates thus nominated are printed on the ballot under the headings, List 1, List 2, etc., no party names or emblems being necessary or desirable. You vote such a ballot by marking a cross against one name on one list. Such a cross means that your vote is to count one towards determining how many councilmen the supporters of that list are to elect and that it is also to help up towards the top of that list the particular candidate marked. So if List 1, for example, gets about three ninths of the total vote cast for councilmen, it will be given three seats; and the particular candidates to receive those seats will be the three on the list who got the most votes individually. This ballot is really a preferential ballot, you see, though scarcely ever called by that name; for though he marks only one candidate, the voter thereby expresses also the desire to give his vote, if it cannot help the candidate marked, to such other candidate on the same list as it can help.

With various modifications this list system is in use for the election of the parliaments of Belgium, Sweden, and Finland, for that of the councils of about half the cantons of Switzerland, and for that of town councils in

Sweden, Switzerland and elsewhere. It is an admirable system, and may be counted on to result, if properly applied, in nearly true representation.

Yet even this system has its defects. It does not give the individual voter perfect freedom; and any limitation whatever of the voter's freedom to express his real preferences without danger of throwing his vote away must vitiate, at least to some slight degree, the fountain head of democracy.

Fortunately, a unanimous-contituency or proportional system that gives each voter perfect freedom has been not only devised but tested on a large scale and proved to be ideal. This system, sometimes called the Single Transferable Vote but best called, from the name of its originator, the Hare system, is in use for the election of the parliament of Tasmania and the Senate of South Africa, and has been incorporated in the Home Rule bill for the election of both the Senate and the House of Ireland.

The details of this system I need not explain at this time: they can be read in the American P. R. League's *Pamphlet No. 2.* Suffice it now to say that the names of the candidates are arranged on the ballot alphabetically or in any other fair order, without party names or emblems, and that the voter indicates his personal preferences, as many or as few as he chooses, by the numerals 1, 2, 3, etc., against the names. The ballots are then counted according to rules that result in the building up of the desired number of constituencies—say nine—approximately equal in size and *each unanimous, under the actual circumstances existing, in the desire to elect the member whom it does elect.*

Here at last you have a system of representation so excellent that a municipal or other government built upon it may reasonably be expected to be noticeably different and better than one sustained by the same voters on any other foundation. For this system, indeed, the name proportional representation is not good enough. That name suggests merely a just distribution of the seats of the respresentative body among the several political parties, but the Hare system does far more than that. Permitting the individual voter, as it does, to disregard, or to regard, party lines or any other lines to any extent that he pleases, the Hare system results in the building up of the constituencies on lines not crude, rigid, and often—in city affairs—meaningless like those designated by the words Republican and Democrat, but as varied and untraceable and unnameable as those that separate the list of one voter's real preferences for the council from that of another voter's. In short, the only name that does this system justice is *true representation.*

As no one who takes the trouble to understand the Hare system denies that it insures true representation, and as there is unquestioned official testimony from Tasmania and South Africa that the voting of the Hare ballot presents no difficulties even to uneducated voters, there would seem

to be no question about the desirability of adopting the system for the election of our city councils under either the Federal Plan or the City Manager Plan, unless—astonishing possibility!—the true representation of the voters in the council under those plans be considered *undesirable.* It seems strange that this point should have to be discussed at all; but it has to be, for there are some persons who will gravely tell you that the true representation of the voters of a city, in the body whose function is to make decisions and spend money on behalf of all, is highly objectionable.

Consider, first, *justice.* It is not just to make the body whose business it is to spend the money of all and to make decisions affecting the welfare of all anything but truly representative of all. Voting for all the commissioners at large with the provision that each voter may cast a *separate vote for each one of them* is clearly unjust to all voters who do not happen to belong to the largest group in the city, since with that system the one largest group can elect all the commissioners.

When a man says that he does not see this injustice, you may know that he expects *his* group to be the fortunate one that will elect all the commissioners, and that he is so lacking in the finer spirit of democracy as to see no harm in substituting, in the deliberative body, the will of *his* group for the will of all.

Consider, next, *wisdom.* If all except the one largest group in the city are excluded from representation on the council or commission, as is usually the case with the "block-vote" we have just considered, it is quite as likely that the wisest or the most public-spirited minority will be deprived of representation thereby as that the most foolish or the most selfish will be. Unless, indeed, we are to abandon democracy frankly once for all, the wisdom wanted in the deliberative body of the city is not the wisdom of a single group, even though that group may constitute a majority and though it may be *your* group or *my* group—and therefore, of course, the one sane and public-spirited group that ought to govern the city: what is wanted, if we are to have democracy, is the composite wisdom of the whole city. Why should we not give a fair trial, for a change, to real municipal democracy, at last made articulate by true representation and made efficient by the putting of the chief administrative officials on a professional basis?

Think of *continuity.* With the ward system the personnel of the council may be changed greatly by the change of a few votes in a few of the closest wards. With the "block-vote" at large it is not unlikely that the change of a small percentage of the votes may turn all the commissioners out at once. Under the Hare system, on the other hand, each councilman is sure of his seat so long as there is one full constituency in the city that wants him there. The complexion of the council changes under the Hare system, in other words, only as fast as the interests and opinions of

the community change or as councilmen are found to be other than they were thought to be when formerly elected.

*Political apathy.* Under the ward system political apathy is fostered in a ward where one party or faction is almost sure to win with many votes to spare. For in such a ward a voter of the leading party knows that his vote will probably have no effect on the result. And a voter of any other party knows, in respect to his vote, exactly the same thing. Under the "block-vote" the same principle applies. Systems which cause thousands of votes to be thus "thrown away" at every election breed apathy, of course, among large classes of voters. The cure for political apathy is not continual exhortation—"Do your duty as a citizen and go to the polls"— but *making each ballot count one towards the make-up of the council even when the voter has dared to record on it his real will.*

And what is to be said in regard to *corruption?* To elect all five commissioners corruptly with the "block-vote" it is necessary to corrupt only enough voters to turn the scale in the city. To elect one of nine councilmen corruptly under the ward system it is necessary to corrupt only the few voters necessary to turn the scale in a close ward. To elect one of nine corruptly under the Hare system it is necessary to corrupt approximately a ninth of all the votes of the city.

The objections made to the application of proportional representation in general, or of the Hare ballot in particular, to the election of our councils under either the Federal or the City Manager Plan are due in some cases to a misunderstanding of proportional representation itself, in others to a distorted conception, utterly at variance with experience, of how the system would work out in practice. All these objections can be met satisfactorily if only one has the requisite amount of time. As my time is about up, I can only mention some of these objections and meet each as well as I can in a single sentence.

It is objected that the "block-vote" is the best for a city council because a city council "has no important legislative duties, anyway." The answer is that a city council has constantly to choose between conflicting proposals, just as a state legislative has to, the difference between the two being not in the nature, but only in the scope, of their functions.

It is objected that we want "responsible party government." The answer is that responsible *representative* government is still better.

It is objected that the council will be "full of cranks." Answer: Just as full as the city is.

It is objected that the Hare ballot is hard to vote. Answer: The highest officials where it is used say flatly, in official publications, that it is not.

It is objected that the votes are hard to count. Answer: The system eliminates primaries; and the result of the counting lasts long after the trifling amount of extra work involved in the counting is forgotten.

It is objected that "what we want is the Initiative and Referendum." Answer: By all means; but it will do no harm to make the council so truly representative that the Initiative and Referendum will seldom be needed.

It is objected that what we want for city government is "not to divide the voters according to their differences, as proportional representation does, but to elect a group of good councilmen all together on the basis of what the good citizens have in common." Answer: Plausible as this objection sounds, it is wholly fallacious: it is the "block-vote" that divides the voters at the polls into two or more camps, whereas the Hare system of proportional representation leaves all dividing to be done in the council itself, after all views and interests have had a fair hearing, doing nothing whatever at the polls but *condensing* the voters into a small group comprising the true leaders of them all.

As soon as true representation is understood in this country, these supposed objections will disappear and true representation will be adopted for our city councils and other deliberative bodies. And then, opening the way, as it will, for all other reforms to come as fast as the people are ready for them, true representation will prove itself to be the indispensable basis of the mechanism of democracy. In reference to the Hare system John Stuart Mill wrote in his *Autobiography*: "I can understand that persons, otherwise intelligent, should, for want of sufficient examination, be repelled from Mr. Hare's plan by what they think the complex nature of its machinery. But any one who does not feel the want which the scheme is intended to supply, any one who throws it over as a mere intellectual subtlety or crotchet, tending to no valuable purpose and unworthy the attention of practical men, may be pronounced an incompetent statesman, unequal to the politics of the future." With that thought I close: are we, is the National Municipal League, "equal to the politics of the future?"

# THE MODEL MUNICIPAL COURT

BY HERBERT HARLEY[1]

*Chicago*

TO PROVIDE a city with wise laws, with honest elections, with carefully chosen experts to execute the will of the people, with scientific means for preserving the public health, with cheap and swift transportation, with abundant means for every kind of education, with beautiful parks and boulevards and all the other things that the National Municipal League stands for, and to omit an efficient department of justice, would be like erecting an arch and leaving out the keystone.

In working out the novel problems of the modern democratic city we are pioneers blazing new paths and that is why the work is intensely interesting as well as vastly important for present and future. The entire social and industrial world is being made over to meet changed conditions. We live in the midst of a revolution in the affairs of men, in the midst of a great constructive era.

In a period of transition to new ideals the courts, always significant, possess added importance, for they must preserve all that is worthy of the old law and at the same time be responsive to new needs.

But in this crucial stage of reconstruction we find that our court system is a system created generations ago for utterly different conditions of life, before the large city had come into existence on this continent. Though well enough conditioned for the semi-rural life of half a century ago, the system now fails sadly to fulfill its new obligations. This failure becomes more conspicuous with each succeeding year, as is evidenced by current attempts to patch the system up and render it serviceable.

Complaints concerning the administration of justice in the United States are most acute and well founded when directed against conditions in the large cities, which are well termed the "bearing points of our civilization." We are especially concerned with the needs of cities exceeding 100,000 population, of which class we have half a hundred, but what follows will apply in large measure to as many more cities which are not far below this arbitrary line.

Every great reform is preceded by a period of agitation which comes from the heart rather than from the head. Criticism commonly precedes analysis. It is not uncommon, and this has been the case with respect to reforming the courts, to shoulder the blame onto certain individuals and then demand that they as scapegoats be turned out into the wilderness.

[1] Secretary of the American Judicature Society.

But before we condemn our judges let us consider whether they have been given an environment which permits them to work efficiently. Let us particularly consider the business or administrative side of the judicial department. Few are qualified to pass upon the product of courts from the juridical standpoint, but in this age of highly developed commercial organization facts proving the administrative incompetence and helplessness of courts are appreciated by all. It is obvious also that unless judges are given a measure of power and freedom to shape their environment, to make rules for the government of their courts, they cannot be held to a high degree of responsibility for results.

The most conspicuous fault of the judicial system, lack of organization, may be held to be a direct result of lack of authority for autonomous control, since it is fairly presumable that if entire responsibility for administering justice were placed where it belongs, in the judicial department, the judges would long since have developed effective organization.

The greatest fault lies then in the fact that state legislatures have prescribed by statute a judicial system and have legislated minutely as to the powers and duties of the judges. Every judge has his place defined in the state law. Nearly every act that he performs, in most states, is prescribed by the detailed legislated codes of procedure. There has been an express intention to leave the judge as little discretion and as little freedom of action as possible. Under our rigid and archaic system judges are separated from each other by statute so that they resemble fence posts, part of a general system, but effectually prevented from changing their positions or from acting mutually for a common purpose.

Our experience with statutory codes of procedure has extended over sixty years and today they stand condemned by leaders of thought on the bench and at the bar.

The people, seeking with the best of motives to make it difficult for the judge to go astray, have, through their legislatures, defeated their own purpose by creating a rigidity of judicial system and procedure that ties the hands of the judge and often makes it difficult or impossible for him to do the most obvious, simple, sensible, just act.

In some states we have gone to greater length in the folly of depending upon minute and explicit enactment by putting into state constitutions provisions which fix absolutely the organization of courts. This is a defect especially of later constitutions, representing an attempt to escape obvious evils, but in some of the older states the constitution offers a barrier to the removal of harmful features. In a number of these states the cities are forbidden home rule in the administration of justice in such a minor field as enforcing local ordinances. They are saddled with the constitutional justice of the peace or magistrate, who becomes, with evil politics and a vicious fee system, a chartered privateer to despoil the weaker citizen.

But lest reform, if it be fundamental, seem too remote, we are afforded the cheering news that the state of Georgia recently, after a short campaign, amended its constitution to permit of abolishing justices of the peace in Atlanta and establishing there an efficiently organized municipal court.

In early common law times changed conditions were met by creating new courts instead of enlarging the powers of existing tribunals. The evil grew until in Coke's day there were seventy-four separate and independent tribunals. The suitor had to select his tribunal at the peril of being thrown out of court if he should err. Such conditions were intolerable. They led in time to England's great reform, culminating in the judicature acts of 1873 and 1875 which merged all the courts into one great unified court.

There is less excuse for us, when we, in the light of history, make a like blunder, but we have done it and are doing it still. As cities have grown we have created new courts instead of enlarging the scope of existing tribunals. The statute books of nearly all the states bear witness to this slipshod method of reform. Every city is given one or more new courts, unrelated to the other courts on the administrative side, resulting in division of responsibility and conflict of jurisdictions.

Emphasis is given these facts because we are now at a crucial stage. Experiment has shown the need for specialized tribunals to meet social needs. The juvenile court has spread from Chicago to every large city in the country. But it is made an independent court. Now we observe the widespread demand for the court of domestic relations. The morals court, in which all causes involving vice may be segregated for expert handling, is likely to be borrowed extensively. Other specialized tribunals will be created where opportunity for experiment is so freely afforded as it is in Chicago, and they will be copied if they prove to be worthy.

Unless we have a correct analysis of defects, unless we heed the lessons of history, and unless we are grounded in fundamental principles, we shall make no real progress as the result of all the present agitation for reform. We may even make matters worse.

The one thing most needed today for the betterment of courts is recognition of the principle that all the judicial power of a state should be vested in one great court, of which all tribunals should be branches, departments, or divisions, and this court should have power to amend, revise, and create its procedural rules.

But here we are confronted by a practical difficulty. The needs of our large cities are so insistent that we cannot wait until constitutions are radically amended and legislatures are moved to act wisely and liberally.

The solution must lie in creating municipal or metropolitan courts

which embody the right principles and are so constituted that they can become component parts of the state system which will be achieved later.

It is to this task that the committee on municipal courts of the National Municipal League has committed itself. It seems necessary at the outset to adopt the principle that the administration of justice in a large city should be by one great court exercising all the judicial power in that city and clothed with full authority to create and develop its procedure independent of the legislature.

Under the principle that all the tribunals in a city should be branches or divisions of a single unified court it is possible for that court to create such branches as may be needed from time to time and to provide an administrative organization which will prevent these branches from conflicting, which will conserve judicial energy, and enable every unit of the entire department of justice to work efficiently.

How are the large powers of this unified municipal court to be exercised? The answer is that the largest powers, such as amending or creating procedural rules, and appointing and retiring clerks and other employees, should be exercised through action of the entire court, thus dignifying the trial judge and making him more directly responsible for the duties he must perform.

But there are many lesser duties particularly in the administrative field which are best performed directly by an individual responsible head of the court, who may be known as chief justice or presiding judge. The chief justice should be empowered to establish branch courts and direct the judges and other agents so that they shall do the work for which they are best fitted. In nearly every city we have enough judges. The trouble is that they cannot assist each other. Some have dockets filled for months in advance and others try but half a dozen cases a month.

The opportunity for directing the work of judges through a single responsible head also relieves another serious difficulty now very common. The field of law has become so great that no judge can be expert in all branches. Unless he is permitted to specialize he will be unequal to the advocates practicing under him. So the model municipal court organization, with its numerous branches and assignments of judges by a chief justice, permits each judge to be chosen for that field of law to which he is best fitted by experience or talent, and keeps him there long enough to make him expert. He becomes a living depository of all the law in his particular field. Even if this could be brought about through legislative enactment there would not be the flexibility which is essential in making such a highly organized court a practical, workable institution.

The chief justice should also make dockets and assign causes, thus distributing the work equitably and utilizing his force of judges for the largest output of the highest standard.

Here we have in a few sentences the ideal of the municipal court. We have self government, conspicuous leadership, accountability. These characteristics are found essential to efficiency in every other field of activity, in commerce, in civics, and in military organization. There is all the more need for them in the court of justice, for a court is a battlefield where the interests and passions of men are pitted against each other as nowhere else.

Consider such a court in actual operation. A lawyer or a litigant believes that he has not had a square deal. He does not have to wait until the legislature is called in session and then lobby a bill through to amend a rule. He does not have to circulate a recall petition. He does not have to resort to tedious and costly appeal. He merely steps into the office of the chief justice and in ten minutes a correction is begun. Or more frequently the litigant who thinks he has been injured writes to the chief justice. So sensitive is this powerful piece of machinery that a two-cent stamp starts the wheels. A copy of the letter reaches the judge who is complained of in the next mail. He must explain and justify his conduct or make amends. If a line of action of doubtful policy or legality is disclosed it becomes the subject of discussion at the monthly meeting of judges. The force of publicity is exerted from the time the chief justice receives the complaint.

If a judge develops unfitness for handling a certain class of cases or for dealing with a certain type of litigants, he is moved to a branch where he can do good work or where his unfitness is rendered harmless. Every judge knows that any citizen can at any time complain of him at headquarters and that he must be prepared to justify his conduct. This of course results in scrupulous regard for the rights of litigants so that occasion for faultfinding becomes rare. It results also in uniformity of decisions in various court rooms, thus lessening the need for appeals. It is presumable also that on knotty legal problems there is a caucusing among the judges so that the best juristic talent of the entire court is brought to bear on difficult questions.

There is also in such a unified court an esprit de corps. Judges realize that their standing before the public depends in large measure upon the efficiency of the entire court. A single callous or lazy judge, or one discourteous, or high tempered, or ignorant, tends to bring the entire court into disrepute. This makes each judge deem himself to be his brother's keeper, as it were, and anxious to warn him of threatened delinquencies. The force of this closely knit mutual responsibility can hardly be overestimated. It results finally in automatic self disciplining. The judge who might, under the present unorganized system, fail to do what he should do, or persist in doing what he should refrain from doing, finds himself in a hopeless minority after a round table discussion among his colleagues.

Such a unified court profits immeasurably in another way. When it becomes necessary to make a courageous stand each individual judge knows that in carrying out the policy of the court he exerts a mighty power, that he has behind him an institution. Such instances are not uncommon. The typical judge of the unorganized system stands out alone where the sharpshooters can pick him off, and the more conscientious and courageous he is, in many jurisdictions, the shorter his tenure. The judge of the unified court, as long as he acts properly, stands behind the breastworks with his supporters on either side.

It is presumed that the municipal court of the future will make public all its doings. There must be a department of statistics and it must be directed by the chief justice so that he will know all that is going on from day to day and from week to week. Statistics must be collated and published, not only on judicial matters proper, but also on the work of the personnel, on social and criminal matters, and upon finance. Then the people will know the direct cost of their civil and criminal courts. They will know how various judges compare for efficiency and which judges have the fewest reversals in the appellate courts. They will have data invaluable in formulating legislation intended to minimize delinquency and crime. One of the truest and most serious charges brought against our present courts is that they publish no statistics while the courts of all other civilized nations do. Our courts wield their immense power in the dark so far as the lay citizen is concerned. This defect must be cured. At present we legislate by guess. We have no background of facts.

The secret of getting faithful public service is after all no secret at all. We only have to make personal interest coincide with public welfare. We have to make it easy and profitable for the public officer to do right and unprofitable for him to do wrong. Proper organization will do more to secure efficiency than any recall can do.

So much for organization. What will be the nature of the procedure of this model court? In most American courts a litigant is free to begin suit and prosecute it possibly through several tribunals merely to embarrass an innocent defendant or to forestall some business advantage. In the model court procedure there will be required at the outset an affirmative showing of right. As a matter of fact a unified court possesses such a high degree of self respect that vexatious litigation is seldom attempted. This first evidence of good faith is secured by the simple expedient of requiring plaintiffs to make oath to their statements of claim.

In a majority of actions upon contract there is no valid defense. But in most courts a sham defense can be introduced and the plaintiff can be kept from getting justice for months or years. Reform procedure requires the defendant to make a showing under oath that a justiciable controversy exists or to submit forthwith to judgment. Observance of this

sensible rule results in diverting a great class of litigation from the trial dockets.

It helps to make justice speedy when any slower result would be injustice. A self respecting court with power to act will not permit itself to be made a fence for the illegal operations of nefarious litigants.

Without infringing upon the rights of any person it is possible to make all the operations of a court much more expeditious. There is no demand for haste at the expense of quality and no danger that we shall ever go to that opposite extreme. Modern procedural rules, such as those in use in England and Canada and in the Chicago municipal court, result in great saving to the public as well as to the litigant. The court is open for business on every secular day of the year. The record is brief. There is no duplication of papers. There can be no recourse to another jurisdiction in order to create strife between branches of the judicial department.

Especially in the administration of justice criminally does the unified court demonstrate its efficiency. In discouraging crime promptness and certainty are the only real deterrents. Involved criminal procedure, created by the legislature and interpreted by many independent courts is the jungle into which the detected criminal flees in many states. The unified court, by segregating classes of crime in special branch courts presided over by experts, permits of safe generalizations as to the causes of crime, the courses it takes, and the needs for its suppression. The striking success of the juvenile court points to further specialization which is certain to come.

Doubtless before this you have begun to wonder how much concerning this model court is pure idealism. Is there any practical experience to substantiate these astonishing conclusions?

I would answer yes, most emphatically.

What England has done is history. But England has not yet applied the principles which underlie her judicial establishment to the concrete problems of a large city as thoroughly as has Chicago. It has become an oft reiterated tale, how only seven years ago Chicago moved from a disgraceful and intolerable condition of judicial irresponsibility by creating the first really successful municipal court in the country. It was not all done at once. Year by year the Chicago municipal court has developed and it has yet far to go before it is perfect. At every legislative session since it was created it has applied for and received added jurisdiction or greater freedom. It is not a unified court in the sense of exercising all the judicial power exercised in Chicago. It was created to wipe out justice shops and to relieve the higher courts. It did both. The latter accomplishment was made possible by giving it unlimited jurisdiction in contract cases. Causes involving hundreds of thousands of dollars are now brought in the municipal court notwithstanding the fact that the other

courts retain concurrent jurisdiction. But while the Chicago municipal court did not receive the fullest measure of jurisdiction it was given large powers for self government and these powers have been developed by its distinguished chief Justice, Harry Olson, until today it stands unrivalled throughout the world as a great city court.

That great social-legal invention, the branch court of domestic relations, which enjoys the unique distinction of bringing disjointed families together instead of forcing them apart, originated under these powers without a line of statute law. The branch morals court, which is beginning already to point the way to an intelligent treatment of both social and legal sides of the vice problem, was created a few months ago like the other branches by order of the court. It is interesting to observe the tendency toward specialization and resulting expertness by recounting the various branches or departments now in operation:

1. Contract and tort cases involving less than $1,000. Return day call.
2. Motions and first class cases (cases involving more than $1,000) without jury.
3. Quasi-criminal and citations: The quasi-criminal jurisdiction applies to cases brought under city ordinances by summons, as when the building department, health department, or other city departments enforce their rules. "Citations" refers to what is popularly called the debtor's court, in which supplementary proceedings are had in judgment to prevent concealment of assets.
4. Forcible entry and detainer, in which controversies between landlord and tenant are adjudicated.
5. Court of Domestic Relations.
6. Attachment, garnishment and replevin.
7. Morals court.
8. Automobile court.
9. Non-jury cases (five judges).
10. Jury cases (ten judges).
11. Criminal branches in various parts of the city (eight judges). In these branches are held preliminary hearings on felony charges; final hearings as to misdemeanors in violation of state law and in violation of city ordinances when an arrest is made on view or otherwise.

Various bodies of social workers are now asking for the segregation of the cases of boys who are too old for the juvenile court. It is from this class that criminals are recruited. Special treatment of amateur offenders should result in great saving to society. So the establishment of a boys' court is being considered. No legislation will be needed. The chief justice has only to assign a properly qualified judge to this work and assign by general order all these cases to one court.

In any other city or any other state it would be necessary to secure special legislation to create such a court and then would come the almost insuperable difficulty of finding the man who is properly qualified to serve as judge.

The Chicago municipal court has been evolved in a state which has the most archaic procedural rules of any English speaking jurisdiction in the world. It took an amendment of the constitution to create this court. Notwithstanding the fact that Illinois has a constitution that would defeat the efforts of an army of safe blowers, the result a thousand fold justifies the effort. The rules of procedure of the Chicago municipal court, in the heart of this medieval stronghold, the last fastness of the rejoinder and surrejoinder, the rebutter and surrebutter, and other quaint survivals of a half savage period of common law procedure, occupy only seventeen pages. The rules which result in judgments amounting annually to millions of dollars, preventing prolonged litigation where no good defense exists, can be printed on a single page. Ask the business men of Chicago whether the municipal court has been worth the effort required to establish it. Ask the social workers. Eminent lawyers, who have spent years keeping abreast of Illinois judicial procedure, entrust the drawing and filing of the papers stating the cause of action in the municipal court to their office clerks. And this is the court which dispatches 160,000 cases per year and has the lowest percentage of appeals and reversals of any court in the country which handles any considerable volume of business.

So it will be seen that our ideal of an efficient municipal court, which will serve the ends of society and not abet those who would work society harm, has a solid basis of experience and accomplishment.

But I have said that the Chicago court is not perfect. It is timely to consider its limitations. These are two-fold.

First, it does not possess all the judicial power within its territory. It has no chancery or probate jurisdiction and is limited in tort to $1000. Its branch court of domestic relations, superb though its record of accomplishment be, is hampered. It is possible for instance for the affairs of a family which are under adjudication in the domestic relations court, to be the subject of litigation simultaneously in the chancery division of the superior and circuit courts and in the probate court, while youthful members of the family are being attended to by the juvenile court. But the machinery of the municipal court, with connections extending to all the social and charity organizations of the city, is so complete, that it has a great advantage over its competitors. The absurdity of competition between independent tribunals in administering justice in a single locality will in time result in wiping out these difficulties.

The Chicago municipal court has not yet had jurisdiction in felony, but a new act, which has not yet taken effect, gives it complete criminal juris-

diction except in murder, treason, and habeas corpus. At the present time the criminal branch judges of the municipal court bind over those who commit felonious offenses to the grand jury, which holds them for trial in the criminal branch of the circuit and superior courts. During the months which ordinarily intervene while all these separate agencies are performing their functions, a grand opportunity is afforded the most expert and vicious criminals to slip out of the meshes of the law, while the innocent defendants are cruelly punished. So the municipal court cannot as yet be held responsible for the administration of justice criminally. When it is given sufficient jurisdiction Chicago will become an unwholesome place for the professional crook.

The second limitation of this great court is on the political side. The tenure of office is for but six years. Many of the best judges are slaughtered after securing renomination. The office is of course not desirable in the eyes of the successful and ambitious lawyer. It is impossible to get the most aggressive and successful men at the bar to abandon their careers and serve the city with the prospect that they will be shelved at the end of their first term, through no fault of their own, but because of a political landslide. The land at Chicago is more slippery than that at Culebra. Nor is there any proof that the desirable candidate, who has devoted his time exclusively to learning the law, could be elected against the needy candidate who has cultivated the political field, assuming that the former is nominated.

Of course the judicial position can be made more attractive by increase of salary but the more effective way is to afford security of tenure. Judges should serve during good behavior. Public service will again become as attractive to lawyers as it was half a century ago when it ceases to be suicidal. You who believe in the short ballot have your own views as to how judges should be selected. They are experts, it is assumed, and chosen for highly technical work. They should be selected by a person competent to judge of the qualifications of candidates, who is accountable to the voters, and responsible for the due administration of justice.

This implies that the chief justice should be elected, should be subject to recurring elections, and should be empowered to select the judges of the court, and they should be attracted by the prospect of entering upon a long career as jurists. Finally some plan should be adopted for removing judges who are derelict in duty. With a properly organized court this becomes the least consequential feature because such a court is selfdisciplining, correcting faults at their inception and inspiring every judge to put forth the best there is in him for the public service and his own welfare equally. Judges expertly selected to a career which promises public distinction, and serving under a proper organization, will seldom if ever need to be removed. The contingency is so remote as to make the recall feature almost negligible.

Another political limitation of the Chicago court which prevents the most economical operation arises from the divided control of the court's hundreds of clerks and bailiffs. The chief clerk and chief bailiff are elected officers and their long payrolls are treated necessarily as pie counters for the faithful. Sometimes a deputy clerk throws down his scratchy pen and goes back to shoveling coal or delivering ice and sometimes a bailiff with a record at the criminal court is pried loose from his job. But with full control of subordinates, and civil service regulations, the court could dispense with one-third of its minor employees.

That we are in the midst of a revolution is nowhere more clearly evidenced than in the field of criminal justice. Absolutely new conceptions of human responsibility are being forced upon us by science. The theory of the purpose of punishment is already greatly altered. The courts must grow to embrace the new ideals of social law which are more preventive than punitive. A real science of psychology is developing to take the place of barren scholasticism. We are learning that a great majority of all criminals are defectives. There is not a judge in the land pronouncing sentence upon offenders who does not daily feel the need for the aid of science in determining responsibility and in shaping penalties so that they shall be effective in restraining diseased minds and wills.

We are close to a time when the psychopathic laboratory with scientists expert in physiology and psychology will supplement the criminal court. The city court stands most in need and the city court must work out the details of the scheme.

Next comes the side of penology. The successful city court of the near future must have new sorts of penal institutions. Some of them are already provided. We must have more detention homes, more vocational schools, more penal farms, and we will need fewer cells.

Your committee therefore desires to report that an act of a fundamental character is now being drafted. The American Judicature Society, recognizing the pressing need for model legislation on this subject, has put it first in a series of acts which will be drafted to generally point the way to the more efficient administration of justice. Chief Justice Olson of Chicago, the chairman of this committee, is also chairman of the board of directors of the American Judicature Society. Most of the other members of the League's special committee on municipal courts are connected with the American Judicature Society. We are therefore able to report progress and the prospect that the model act, if not forthcoming quite as soon as might be expected, will be all the more thorough and workmanlike when it leaves the drafting bureau of the American Judicature Society.

# A STUDY OF THE STUDENT BODY OF THE UNIVERSITY OF CINCINNATI: A MUNICIPAL INSTITUTION

BY CHARLES W. DABNEY[1]

*Cincinnati*

IT HAS always seemed that the faculty needed to know more about the students. From their entrance and term examinations, and from recitations and other tests, the faculty learn something, after a time, about the scholarship of students in certain lines. Where there is personal contact, as in the small college, the professor knows the characters of the students in a way; but, unless he becomes intimately acquainted with the families of his students, he never learns much about their social and economic position. If the college is to give the student vocational instruction and guidance, as is proposed now, some knowledge of his situation in these respects is necessary.

In the belief that a study of the social composition of the student body in this institution would be of great help in the work of training men and women for life, a questionnaire was prepared by the president and each student entering the University of Cincinnati in September, 1912, was requested to give the data it asked for. Students in the colleges of liberal arts, engineering, and medicine, numbering 1081, were made the subject of this study. All special students not candidates for degrees, evening students, school of commerce students, and irregular students were omitted. The evening students are discussed separately.

The questions covered the name, college entered, the age of the student; the occupation of the father, whether father or mother or grandparents were graduates of college; residence, Cincinnati or outside; the educational training of the student; work for self-support previous to and since coming to college; number of brothers and sisters who are dependent;

[1] Dr. Dabney's activities have not been confined to academic work. In 1893, Mr. Cleveland appointed him assistant secretary of agriculture, with direction of the scientific work of that department. As he was unwilling to leave his work at the University of Tennessee, the president and university authorities agreed that he might fill both places. Through the first year of the McKinley administration, he remained, by special request, as special agent of scientific investigations in the department. In 1902, Dr. Dabney organized the Summer School of the South at the University of Tennessee. The attendance of this school reached two thousand. In 1904 he was elected president of the University of Cincinnati. The annual reports for 1912 show the expansion of this institution under his administration. The total enrollment at the close of the session of 1912–13 was 1,973. President Dabney is a member of the Southern Education Board.—EDITOR.

number of self-supporting members of the family; total annual family income; homes, owned or rented, rental paid, etc.

Of the 1034 blanks delivered, 956 were returned. As 38 replies were rejected, this study is based upon the returns from 918, or about 90 per cent. Of course, not all of these students made complete answers to every question. The total number of answers used is noted under the different heads. On the whole, the replies were full and clear.

The median age of women entering the college of liberal arts is eighteen years, of men entering this and the engineering college, nineteen. Since the average age at graduation from high school is eighteen, it appears the university is receiving the normal secondary school graduate within a year after the completion of his preparatory course. As shall be seen below, many of the boys work a year before entering college. The median age of students entering the medical college is twenty-one.

Of a total of 669 students in the college of liberal arts, 527, or 78.9 per cent, are residents of the city within the meaning of the law and 142 are non-residents. Among the 288 students in the teachers college, 225, or 78.1 per cent, have their residence in the city, and 63 outside. In the college of engineering among the 333 students, 158, or 47.4 per cent, are from the city and 175 outside. Of the 79 students in the medical college, 34, or 43 per cent, are from the city. Omitting for the present the teachers college students, who were not taken into this study, the 1081 students under consideration, belonging to the three colleges mentioned, include 719, or 66.6 per cent, resident students, and 362, or 33.4 per cent, non-resident students.

These results have been checked in several ways. Students were asked where they were born. Tabulating the answers with reference to the corporate limits of Cincinnati, 47 per cent were born within the city. Of male students, 37 per cent were born in the city, and of female students, 61 per cent. It was found that 61.7 per cent live with their families within the city limits. This is perhaps the best test of all. From this it is judged that 66.6 per cent represents the correct proportion of Cincinnati residents in these colleges.

Interesting answers are returned to the questions with regard to the father's education and occupation. In the first place, 201 out of 918 students, or nearly 22 per cent, are fatherless, a very unexpected and significant fact. The occupations of fathers were classified on a functional basis similar to the census classification. A total of 38 fathers follow "agricultural pursuits"—farmers, gardeners, poultry raisers; only 159 are in the "professions," including actuary, accountant, architect, attorney, engineer, dentist, doctor, druggist, editor, minister and teacher; 228 are engaged in "trades and transportation," as agent, banker, bookkeeper, broker, contractor, merchant, peddler, postal or railway service, salesman,

conductor, etc.; 173 are in "manufacturing or mechanical pursuits," such as baker, blacksmith, book-binder, brewer, butcher, carpenter, cigar maker, draughtsman, engraver, fireman, foundryman, glove maker, linotypist, lithographer, machinist, marble worker, miller, painter, plumber, printer, gilder, saddler, shoemaker, tailor, tinner and wheelwright; and 59 are in "domestic and personal service," such as barber, bartender, driver, gauger, laborer, musician, policeman, steward, glazier and whitewasher. Twenty-eight report their fathers as day laborers. Six are classified as "miscellaneous," including missionary, music composer, inventor and "politician."

It is interesting to note that the two classes "trade and transportation" and "manufacturing and mechanical pursuits" contain over 63 per cent of all. If to this is added the 5.2 per cent in "agricultural pursuits" and the 8.1 per cent in "domestic and personal service," a total of 77 per cent is had in non-professional, commercial and mechanical pursuits, for which no special education is required. Only 23 per cent of the fathers are in the so-called professions, as defined by the census. It is evident from this that the university is furnishing the higher education to children of many parents who did not have the opportunity to obtain it themselves. This is further evidenced by the fact that only 192 students, or about 21 per cent, report that either father or mother had a college education. The largest proportion of college trained parents is returned by the medical students, 27.9 per cent. Next to the medical students, women students in the arts college report 27.4 per cent of parents having a college education; the male students 18.8 per cent. The parents with college education represent, however, many of the colleges and universities of this and foreign countries.

The returns with regard to work for self-support have been studied from several points of view. The first question referred to work for self-support done by the student before coming to college. Of the total student-body reporting, 65 per cent have worked for their own support before coming to college. If the women students, who do not enjoy the same opportunities for getting work and only 30 per cent of whom report self-supporting work done before coming to college, are excluded, the percentage of men who worked before coming to college is 85.5. Practically all the men have worked for the means with which to support themselves while at college. The returns as to work during vacation show that, omitting the women again, 85.4 per cent of the men are systematically engaged during the summer. This is increased, of course, by the coöperative students, all of whom work during vacations. The male arts students report 59.7 per cent working regularly through the college year, while only 28 per cent of the medical college students do such work. Their laboratory and clinical hours leave them little time for any other labors.

The per cent of all male students working during the session is 74.5. The women students are chiefly occupied with domestic work, but it is interesting to note that some of them are tutoring, others clerking or working as stenographers, some keeping books, some acting as playground instructors, some serving as saleswomen, and a few are waitresses.

The answers to a question about the ability to go to an outside university to get a college education merely express, of course, the opinions of the students themselves. Probably their answers are over-optimistic. Of the total number of 918 answering this question, 558, or nearly 61 per cent, say they could not have attended a university outside of Cincinnati. From these statements it must be inferred that the university is indeed holding the door of opportunity open to many who otherwise would not be able to get the higher or the professional education.

Of the 918 families, 788, or 90.1 per cent, reported other brothers or sisters, the average number being 2.9, that is, almost four children to a family, or a total of nearly six in the family, a remarkably high average.

The average number of self-supporting brothers or sisters is 1.1 per family, the highest number being in the families of medical students, next in the families of engineering, and the lowest number in the families of arts students. This leaves the average number of dependent brothers and sisters to the family, 1.8; that is, almost two members in each family, besides the student, are at least partially dependent. This explains the necessity for self-supporting work.

Of the total of 856 students answering the questions about owned and rented homes, 336, or 39.2 per cent, live in rented homes, the highest proportion being among male arts students, 41.4 per cent, and the lowest among the coöperative engineering students, 33.4 per cent. The rental paid monthly varies greatly. The mathematical average of that paid monthly by the students of all families is $33.05, the highest average being among the families of arts students, $35.33, and the lowest among the families of coöperative engineering students, $26.10. In the total student body there were found just as many families paying more than $30 per month as families paying less than that amount. The median line for coöperative students was $25. In the total student body living in rented homes there were more families found paying a monthly rental of $25 than were found paying any other monthly rental. Looking at the other side of the picture, it is interesting to find that 60.8 per cent of the students' families live in their own homes, which they have either purchased or are now trying to pay for.

As was to be expected, the smallest number of answers were in reply to the questions about family income, but 613 accurate reports on this subject out of the 918 returns were obtained. They come from all the

colleges and classes, and would appear, therefore, to be fairly representative of the incomes of the families of the students. These incomes range from $750 to $10,000 per annum.

Of the total families represented, 44.9 per cent have annual incomes of less than $1500 per annum. If $7500 per year is taken as the amount necessary to support a family of six in comfort in Cincinnati, only 5.7 per cent of the families can be said to be comfortable. If the line is lowered to $5000, but 11.7 per cent of the students' families have this amount or more each year. If the line is drawn between the comfortably well off and the poor at $2500, only 35 per cent of the students' families have this amount or more. In other words, almost two-thirds of the students' families have a combined family income of less than $2500 per year, and 44.9 per cent fall below $1500. The median annual income is located at from $1500 to $1750 per annum. The most frequent annual income is found within the groups $750 to $1250, being around about $1100. Recalling that the annual income of the family includes the small earnings of at least one brother or sister, and deducting this, it is learned that the annual earnings of the father, or supporting member of the family, are nearer $1000 than any other figure.

The answers to the question as to the aim in attending college were compiled from the returns of the students in the arts college alone. Out of a total of 543 arts students, 458, or 85.8 per cent, declared a definite aim, 89.4 per cent of the men and 84.1 per cent of the women having definite aims in coming to college. Among the women those who intend to follow teaching largely predominate. This is doubtless due to the fact that the university has a teachers college as a continuation of the arts college, and that Cincinnati graduates are placed upon a preferred list for appointment as teachers at an advanced salary. Women students, not preparing to teach, report various aims, including social service worker, missionary, private secretary, journalist, artist and physician. Among the men in the college of liberal arts there is no single line of endeavor so frequently reported as to become a dominating aim. The aims most often recurring are merchant, minister, teacher, physician, lawyer, consular service, forestry service, and chemist.

The evening classes having only been started this year and being an entirely new departure in university work, it was a matter of great importance to learn as much as possible about the students in these classes. The same questionnaire used in securing the statistical information about the day students was used for the students in the evening classes. Their replies were studied with great interest, as it was believed that much information could be obtained which would be of use in shaping these courses to the needs of this interesting class of students.

From a total enrollment in the evening classes in liberal arts of 543,

made up of 262 men and 281 women, 432 questionnaires were returned. Of those making these returns, 202 are men and 230 women. It will be seen thus that returns were obtained from nearly 80 per cent.

The average age of the 417 students reporting their ages, is 26.2 years. The average age for the male students is nearly 25 years, and for the female 27.5 years. The oldest man registered in the evening academic classes is 47 years of age, and the oldest woman is 56. There are three women over fifty and three men over forty. Under 20 years of age are 4 males of 17 years, 4 females and 13 males of 18 years, and 8 females and 12 males of 19 years of age.

The requirements for admission to the evening liberal arts courses are substantially the same as for the day courses; that is, students are admitted either as candidates for degrees, in which case they must pass the regular entrance examinations or present satisfactory certificates from accredited schools, or as special students. Special students must be at least twenty years of age, or graduates of the night high schools, and give evidence of their ability to carry successfully the courses they desire to enter.

Of the evening students, 338, or 77.5 per cent, are graduates of high schools. Of these, 95, or 25.1 per cent, represent night high schools and 243, or 71.9 per cent, day high schools. This is significant as showing that many young men and women are able to avail themselves of the regular day school facilities until the completion of their college preparatory work, when circumstances compel them to turn their attention to business.

Of the evening academic students, 421 made returns on birthplace and residence, and of this number 135 men and 134 women, a total of 269, or 63.6 per cent, were born within the corporate limits. The question of present residence of these students with regard to corporate limits is of some interest also, as is the question of their length of residence within the city. Of the 432 students answering this question, 193 men and 207 women, a total of 400, or 92.6 per cent, live within the city at present and 63.6 per cent were born within the city. Only 9 men and 23 women, total of 32, or 7.4 per cent, reside without the city. The average period of residence within the city for all these students is 18.6 years. That the proportion of students who live within the city is higher among evening students than among day students was to be expected. Students from points outside the city can not so conveniently attend the evening classes. The evening classes are almost exclusively for workers in Cincinnati. Since their average age is 26.2 years and the average period of residence in Cincinnati is 18.6 years, it will be seen that they are permanent residents in the city.

The investigation of the occupations of fathers of these students throws much light upon the social composition of this interesting body of men

and women. The occupations were again classified in accordance with the census plan. There are only seventeen sons and daughters of farmers. "Professional pursuits" are represented among the evening academic classes by 32 students. "Trade and transportation" are represented by 83 students. "Manufacturing and mechanical pursuits" are represented by 83. "Domestic and personal service" is represented by 17. Only 233 out of the total of 543 made returns on this subject. If these returns are taken as fairly representative of the whole number of students in the evening academic courses, the percentages for occupations of fathers will be as follows:

| | per cent |
|---|---|
| Agricultural pursuits | 6.4 |
| Professional pursuits | 14.0 |
| Trades and transportation | 36.6 |
| Manufacturing and mechanical pursuits | 36.6 |
| Domestic and personal service, about | 7.0 |

These returns, like those for the day students, show that the university is serving a class of citizens, who would not be able to get this training if the city had no institution like this and evening classes were not open. Additional light is thrown on this subject by the returns of the number of fathers and mothers of students who have attended college. Of the total student-body, slightly over 10 per cent report that either the father or the mother was a college graduate. This is about one-half the proportion reported by the day students in the university.

Out of the 543 students in the evening academic classes only 201 made satisfactory reports of incomes. It may be that the reports tend to represent the larger incomes, but taking these reports as fairly representative of all, the following interesting results are secured. Only 4 persons out of the whole number, or 1.5 per cent, report total family incomes of $7500 or more. Of this portion of the student-body, but 18 per cent have incomes over $3000 a year; 78 per cent have a total annual income under $2000 a year; and 45 per cent of all the families have incomes under $1500 a year. The mode, or frequential average, tells the more correct story about annual incomes. If all the incomes are arranged by groups, each group differing $250, the mode is found within the group from $750 to $1000.

This is further confirmed by the returns as to homes owned and rented. Of this student-body of 543, 293 make returns on the subject of "homes; rentals paid, etc." Of this number, 170, or 51.5 per cent, live in rented homes. The students in the evening classes show a higher proportion of families living in rented houses than the students in the day classes. If all the rent paid was equally distributed, each family would be found paying a monthly rental of $26.60. The mode for all is about $30.

Out of a total of 356 making returns on occupations, which included more of the better class professions than of the humbler, 150 men and women, or 42 per cent, reported themselves engaged in "professional pursuits;" 153, or 43 per cent, engaged in "trade and transportation;" 29, or 8 per cent, in "manufacturing and mechanical pursuits;" and only 8, or 2.3 per cent in "domestic and personal service." Sixteen, or 4.5 per cent, are not classified. It is worth while to study the returns on this subject more closely. The 150 whose pursuits are classified as "professional" by the census are distributed as follows: Of the 56 men, one is a professional accountant, 24 are attorneys, 18 are teachers, 1 is a minister, 2 are physicians, one a veterinary surgeon, 1 a druggist, 5 civil engineers, 1 chemist, 1 mechanical engineer, and 1 professional social worker. Of the 94 women, 80 are teachers, 3 are professional social workers, 7 nurses, 2 reporters, 1 an artist, and 1 a librarian. Of 153 in "trade and transportation," 62 are men and 91 are women. Among the men are 5 stenographers, 6 bank officers, 7 bookkeepers, 35 clerks, 2 collectors, 2 merchants, 1 in postal service, etc. Among the 91 women, are 60 stenographers, 18 bookkeepers, 10 clerks, 2 cashiers, and 1 advertisement writer. Of 29 in "mechanical pursuits" 28 are men. The one woman is a milliner. The 28 men include 2 carpenters, 1 tailor's cutter, 8 draftsmen, 1 engineer, 2 linotypists, 2 printers, 6 rodmen, 2 inspectors of engineering work, 1 piano builder, 1 tool designer, 1 shoe pattern maker, and 1 manufacturer. Among the men classified in "personal service" are 1 soldier, 1 porter, 1 timekeeper, 2 day laborers, 1 gauger, 1 elevator operator, and 1 employment agent. Among the unclassified are 1 secretary of Y. M. C. A. and 1 secretary of Y. W. C. A., 10 students and 1 state inspector of workshops. Only 1 male and 24 females report no gainful occupation, a very interesting fact. There are probably, however, more among those who made no returns as to their occupations.

It will be seen that from the standpoint of occupations of students in the evening courses, the university is a very democratic institution. It is evident that the evening courses are as a whole meeting the needs and ambitions of a very great army of bookkeepers, stenographers, clerks, teachers and others who are busily engaged in responsible work during the day, but who still are eager to improve themselves. The annual income of the families of these students is somewhere around $800. A large proportion of their families live in rented homes and pay a rental of about $30. All the statistics emphatically proclaim that the University is educating the most important classes in the community from the point of view of citizenship.

This study has been a profitable one. The increasing age and improving preparation of the entering students are significant and encouraging. The facts brought out about self-supporting work explain fully the seem-

ing indifference of many of the best students to ordinary college sports and amusements. They have no time for such things. They also explain the difficulty of keeping up here that enthusiasm for purely student matters, commonly called "college spirit." But the disposition to get together and work together in more serious way is not lacking. It is a fact worth noting, however, that many of the busiest students, including coöperative engineering students, take an active part in all athletic contests.

But the most interesting result of the study is the evidence it presents of the extent to which this university has democratized higher and professional education in this community. This, which should be the first purpose of the people's university, seems to have been accomplished very thoroughly.

If the democracy is to survive we must provide for all the people, urban as well as rural, complete equality of opportunity for education in the higher and professional subjects as well as in the elementary. The common schools have made such progress that the time is not far distant when every child will have a chance for an elementary education. Various types of institutions for secondary education are being rapidly erected in all the cities. Equality of opportunity for secondary and vocational education is thus reasonably assured for all the fit. But what of equality of opportunity in the higher and professional educations? Shall it be limited to the children of the rich, or of professional people, or even of the moderately well-to-do? Shall not the higher education, also, be put within the reach of all the fit? The small college, the normal school, the agricultural and mechanical college, and the state university—characteristic institutions of our country—have done much to open the way for the young men and women of the rural districts to obtain the higher education. Free tuition and chances to work have greatly enlarged these opportunities for country youth, until undoubtedly our states offer higher education at a proportionately lower rate of expense to more people than any other country on earth. But have the opportunities for higher education been made as easily available for the children of the middle and poorer classes of the cities? Certainly these classes in the city have not availed themselves of the facilities for the higher education to the same extent as have the sons and daughters of farmers and village people.

Consider the case of the city university from another point of view. Does not the rapid growth of the cities make the municipal university a necessity? The important thing revealed by the last census was the fact that the rural population has now dwindled to 52 in 100—in these great middle states of the West, it has dwindled to 40 and in some to 35 per cent. In Ohio, for example, while the total population has increased 15 per cent in each of the last three decades and the urban population 30

per cent in each, the rural population actually decreased 4 per cent in the first and 6½ per cent in the second decade. Everywhere the urban population is increasing ahead of the rural and in most of the old states the total rural population is steadily decreasing. With the development of these vast urban populations, must there not be municipal universities to put the higher and professional education within the reach of all the youth? Day and night high schools, continuation schools and industrial schools must, of course, be provided to train the average youth who goes to work, but it must not stop with them. The opportunity for the highest training must be put within reach of the poorest youth of the city, provided only he is fit. The results of this study should be gratifying to the people of Cincinnati, therefore, because they show that the University of Cincinnati has really put the higher and the professional education within the reach of all worthy students in its field, whether rich or poor, the sons or daughters of educated or professional fathers, or of uneducated, laboring men. It has democratized the higher education for the people of a city as never before.[2]

[2] The city council of Akron, Ohio, has recently taken over Buchtel College and established a municipal college under the name of the University of Akron. The buildings and endowment of Buchtel are worth between $400,000 and $500,000. This property has been turned over to the city and the institution will be directed by a board of trustees appointed under the general statutes of Ohio. A tax has been levied under the Ohio laws, which, with the endowment, will produce an income of about $70,000 for the municipal college. The University of Toledo, which has been partially organized for some time, has recently gained a suit giving it the right to the building and ground, worth several hundred thousand dollars, bequeathed to it by Mr. Scott. Council has levied a small tax under the Ohio laws for municipal universities, and an organization has been formed, covering the usual academic branches, including studies for teachers. It is believed that the college will now have a chance to grow. The people of Cleveland are discussing the question of a municipal university for their city, made up of the local institutions, including the Western Reserve University, but no definite steps have been taken.

# SHORT ARTICLES

## AN ESTIMATE OF MAYOR GAYNOR

WILLIAM J. GAYNOR took office as mayor of New York on January 1, 1910. Being already well known in the public life of the city, the beginning of his administration was received with rather definite anticipation of some of his leading policies. At the same time his picturesque and inscrutable character supplied the basis for much genuine curiosity. The voters had reason to accept as true what had been said in one of the nominating speeches—that with Judge Gaynor as mayor the City of New York would not know one dull and uninteresting day.

As a member of our highest court of original jurisdiction Judge Gaynor had earned a reputation for disposing of about twice as much work each year as did any one of his colleagues. This had been made possible by his penetrating legal acumen, by his habit of hard work and by his independent and despotic method of conducting trials. He was the despair of lawyers with weak or poorly prepared cases and sometimes of lawyers who merely wished to try their own cases in their own ways. On the other hand he was much sought after by attorneys desiring to establish some ingenious legal principle for which precedents were lacking. They knew that such cases would interest the Judge keenly and that he would be much less influenced by fear of a reversal on appeal than would more cautious and conventionally minded judges.

Judge Gaynor's particular judicial hobby was excoriation of the police for unwarranted assumptions of authority. Any lawyer seeking an injunction to prevent the police from forcibly raiding some resort alleged to be vicious, or from establishing a patrol to ruin its business, would bring his petition before him. A growing tolerance of strong-arm, direct-action police methods was regarded by him as a national menace. It was partly for this reason, and partly because of a pronounced philosophy of personal liberty in matters of moral conduct, that he was regarded, while still on the bench, as the most powerful foe of blue laws and of their prevailing methods of enforcement. As we shall see, his police record as mayor was consistent with this attitude. It was an attitude unpopular in church circles, but not without political strength in so cosmopolitan a city as New York. Some regarded it as a subtle appeal to the vicious elements, others as a shrewd play for the favor of that large mass of voters with whom all sumptuary moral laws are unpopular. But while there can be no doubt that he was keenly aware of the political aspects of the question there is every evidence that in dealing with it he was acting upon a philosophy

of individual liberty of whose general soundness he was thoroughly convinced.

During the winter preceding his mayoralty nomination Judge Gaynor engaged in a spectacular controversy with Police Commissioner Bingham over an obscure young man named Duffy who, he charged, was being persecuted by the police. This controversy was characteristic, though more than usually sensational. It was immensely popular and probably contributed largely toward making him mayor.

There is no doubt that Mr. Gaynor was a politically minded judge. He was intensely interested both in political tactics and in the larger questions of public policy. His advice was constantly sought by politicians and by prospective candidates. He was himself repeatedly asked to be a candidate for mayor or for governor. The mayoralty attracted him strongly. He regarded it as the greater of the two offices. It was a saying of his that in comparison with the more difficult office of mayor, being governor was like managing a Sunday school. For years however, he bided his time, contenting himself with suggesting and furthering other candidacies.

On matters of general public policy prior to his leaving the bench, he was regarded as a radical. He had kind words to say for Henry George, supported Bryan in 1896, and backed Roosevelt in his fight for public control of freight rates and in his criticism of the courts. He was popular among the labor unions, especially for checking undue police activity during strikes. In the spring preceding his mayoralty nomination he wrote a widely advertised magazine article attacking the New York traction interests most bitterly. Its title was "The Looting of a Great City." No wonder then that in his canvass for office he had strong support from radicals, labor leaders, single-taxers, and men with socialistic views. No wonder either that the ultra conservative *New York Sun*, afterwards his most ardent newspaper supporter, greeted his election as a calamity, saying in substance that no less qualified mayor could possibly have been chosen.

Before two years of the Gaynor administration had expired there was a general re-alignment of the elements supporting and opposing his policies. The more radical newspapers were attacking him with bitter words—to which he responded in kind. The *New York Sun*, on the other hand, as well as other conservative publications, were acclaiming him as the most forceful and independent mayor the city had had. The very labor leaders who had been so active in furthering the popular boom which had preceded his Tammany nomination were receiving from the mayor letters full of picturesque abuse, while certain representatives of large business interests felt more at home in the city hall than did the heads of his own departments.

This change had resulted chiefly from the mayor's attitude on the new three hundred million dollar subways—by far the biggest problem of his administration. The Hearst publications had forecasted his attitude on this question, but as Mr. Hearst was at the time a rival candidate, not many citizens had taken the forecast seriously. In the main the stand which he took was a complete surprise. The speedy conclusion of operating contracts and the securing of a universal 5-cent fare appeared to be the only public traction policies with which he was greatly concerned. He was ready and eager to close with the Interborough on what were practically the first terms offered. In this he stood at the opposite extreme from the recently elected mayor, Mr. Mitchel, who maintained that the city could go ahead with construction without first making terms with operating companies, and who was the most persistent critic of all proposed operating contracts. Mayor Gaynor's position was also very different from the finally prevailing middle course taken by Mr. McAneny, who was ready to deal with the operating companies, but who sparred adroitly for many months and secured far better terms for the city than those which the mayor at first wished to accept. It is perhaps needless to say that the mayor's favorable attitude toward the Interborough Subway Company was in accord with the well known traditions of the political organization from which he had received his nomination.

Another vital issue upon which Mayor Gaynor acted in full harmony with the higher powers in Tammany Hall was in the fight over the proposed "ripper charter." With Murphy in complete control of the state legislature, a desperate and almost successful attempt was made to upset the results of the preceding city election by shifting about the powers of the board of estimate. The fusion control of this governing board would have been greatly weakened, many of the auditing powers of the able fusion comptroller, Mr. Prendergast, would have been taken away, while the mayor would have been made supreme in many things, particularly in rapid transit matters. Mayor Gaynor was about the only citizen of prominence who defended this charter legislation and his support of it appeared to be sophistical and disingenious to a high degree. Only by a most remarkable and well organized public opposition was the measure finally defeated.

This brings us naturally to a further consideration of relations to the dominant political machine. We have seen that in two most important crises the mayor and the machine were in harmony. It was much less so, however, in the matter of appointments. Ever since his early fight against the John Y. McKane corruptionists and his own resulting election to the bench on a fusion ticket in 1893, Mr. Gaynor had been a consistent advocate of non-partisanship in city affairs. His plea in 1909 for election of the entire Tammany ticket was consistent with his egotism. He honestly expected to dominate any board of estimate of which he might be a mem-

ber. This very egotism no doubt served to aid him in the independent spirit which he afterward showed in making appointments. The district leaders found him a hard man with whom to deal. While they respected his superior intellect, his shrewdness and his stubbornness under attack, they never felt comfortable about him, and they knew they could never "get" him as they did get Governor Sulzer. He gave them a considerable number of places, but he would not take orders from anyone. He could therefore never be counted upon. One day he would appoint a typical organization man as head of some department. On another occasion he would select some conspicuous anti-machine citizen. Next time he would, in all likelihood, elevate to office some "neighbor" or personal friend who might or might not have the proper qualifications. Several of his important appointments were ill judged, yet on the whole his department heads were at least well up to the average. With a few exceptions, however, they effected no such economies as were shown under the management of the fusion comptroller and of the fusion borough presidents.

While Mr. Gaynor manifested a most fortunate appreciation of the importance of the mayor's office, he was ambitious to be his party's candidate for the presidency and this no doubt affected some of his policies unfavorably. But at least his policies were all his own. Citizens opposed to him were glad to feel that their chief executive was incapable of submitting to crude dictation, that he had his own reasons or motives for every official act—in short, that he was mayor in fact as well as in name.

Because of his peculiar temperament it had been expected that he would be constantly quarreling with his department heads. But it proved to be otherwise. With the exception of the police commissioner, he gave his heads of departments a free hand. One of his best faults was the obstinacy with which he backed up his appointees against what he liked to call "the clamor of rag-bag newspapers." In the case of City Chamberlain Hyde, who disappeared from town after the failure of several banks in which city funds had been deposited, this was done to an extent that considerably injured his own prestige. Even more seriously did he stand in his own light by blindly defending his police officials when the whole town was passionately aroused over the murder of Herman Rosenthal. The speedy prosecutions and convictions which followed, left a large proportion of the citizens with an impression that the police department was the great failure of the administration. It is probably true, nevertheless, that the most lasting impress made by Mayor Gaynor upon city administration both here and throughout the country was through his more carefully worked out police policies. Only a brief outline of them can be given here.

Liquor selling on Sunday had always been prevalent throughout New York City and had been a rich source of police blackmail. The mayor allowed Sunday selling to go on a little more openly than before, but reduced the excise graft to a minimum by taking from the patrolman all discretion

in making excise arrests. The police were forbidden to enter saloons except when specifically ordered to do so and proceedings were ordinarily taken only upon the sworn complaint of citizens. Such complaints were not greatly encouraged. Warrants for breach of the law could of course be obtained by persons interested, but the general policy was one of non-enforcement. In dealing with prostitution, the underlying purpose was to secure what the mayor termed "outward order and decency." Blatantly advertised resorts were not tolerated and street soliciting was kept under check, but raids upon quietly conducted houses were not very frequent. Gambling establishments were combatted through the use of specialized headquarters squads. The idea here was to remove the ordinary policeman from temptations to graft and to prevent "leaks" when raids were contemplated. The breakdown came with the corruption of the centralized Becker squad. In dealing with these three problems of Sunday liquor, public gambling, and prostitution, where a complete and effective enforcement of the law seeemed next to impossible, compromise policies were established which at least minimized certain attendant evils.

During the Gaynor administration the whole relation between the police and the citizens was considerably changed. Policemen were made to feel that frivolous arrests, arrests on mere suspicion and unnecessary use of the club, were dangerous experiments. Some lawless elements—such as the street gangs—were thereby dangerously encouraged, but police brutality and usurpation became far less frequent. The poor push cart pedlers on the east side were no longer driven from pillar to post. Men accused of crime were no longer photographed in the rogue's gallery before their guilt was proven. Drivers, chauffers and others charged with breach of some petty city ordinance were handed summonses, instead of being dragged off to court or being locked up pending bail. Amateur ball players were not disturbed in their Sunday games and great tolerance was shown toward boys playing on the streets. If the aggressiveness of the police in dealing with known crooks was rather too much diminished, a much needed curb was put upon police oppression of the ordinary well meaning citizen.

"No fool and no clown shall rule this town"was the crisp message which Mayor Gaynor—repudiated by his own party organization—sent back from the ship which bore him on his last ocean voyage. This homely rhyme served well to remind his fellow citizens that for four years their mayor had at least been a man whose size measured up well to the requirements of a most difficult office. He had, to be sure, made dangerous mistakes, but the worst of them had, fortunately for the city, been restrained by opposition. In the main his keen intellect had been freely at the service of a city whose greatness he deeply felt and with whose broad cosmopolitan spirit he was in living sympathy. His strong and unusual personality will doubtless be remembered by New Yorkers for a longer time and more vividly

than will any particular acts and policies of his administration. He had a homely philosophy—sometimes quaintly old-fashioned and abounding in classical and biblical expressions, sometimes distinctively modern—always pungent and penetrating. The human and literary qualities of his innumerable letters were an enlivening source of enjoyment and instruction. His frequent moods of patriarchal mysticism alternated with a cynical relish for "playing the game" by subtlety and indirection. The fierceness with which he attacked opponents was not without its humorous side, and the bad manners with which he often treated important or self-important citizens furnished great diversion to the multitude. His egotism was one of the most genuine things about him. It may be illustrated by an unpublished interview with himself which he once wrote for a metropolitan newspaper. It began thus: "The Mayor was walking through City Hall Park with that shambling gait which the people so dearly love." And after all if his fellow citizens did not regard him with just that intimate feeling—for there was in his temperament little of the warm and approachable—yet they did not look upon him with wonder and with unfailing interest. His character seemed to match well in its complexity the town in which his public life was lived. It would have been easy to imagine Mayor Gaynor ruling over the alert Florentines in the stirring times of the Medici. That he helped to lay the foundations for a full sized and vitalized metropolitan government can scarcely be denied.

Raymond V. Ingersoll.[1]

## PREFERENTIAL VOTING

### ITS PROGRESS, WITH COMMENTS AND WARNINGS

THE outlook for preferential voting is good. Much has already been accomplished, and much more seems at hand. It looks as if preferential voting were about to sweep the country as did its logical forerunner and basis, the Australian ballot.

The country is finding in the Bucklin system—as I believe the Grand Junction system shorn of a couple of its minor non-essential features should be called—the system it has long been waiting for. This system is seen to be simple, easily explained, understood, voted and counted. It appeals to voters as likely permanently to increase the ease of attracting desirable candidates into the field, and to secure the election of some one loyal to the majority interest, as against the machine or special interest. Voters in general have little interest in the sole theoretical objection raised against it that a vote in the second or third column may contribute to the

[1] Member of the New York bar and of the council of the National Municipal League. Mr. Ingersoll is a resident of the Borough of Brooklyn.

defeat of a voter's first choice. The voter sees that his second or lower choice man out of an abundant field of good candidates will be on the side of the public interest as well as his first choice man, and that after all is the question before the house. The satisfaction in greatly increased power to keep bad and incompetent men out greatly outweighs with him the risk to a minor personal preference here and there. He sees moreover that this very imperfection tends still more completely to turn the tables on the machine partisan or henchman who puts personal aspirations ahead of the city's good, and into whose hands the present system so unfairly plays.

In a word, the Bucklin system is so much better adapted to present-day conditions than anything else either in use or in sight, that voters take to it with enthusiasm. It is apparently the only one with a future for municipal elections. Its claims for preference as an essential adjunct to direct primaries, as well as a means for supplanting all primaries I believe, are equally strong.

For very small cities, and particularly for small private organizations of voters of exceptional intelligence another system—the Nanson system—should be considered, but it is generally regarded as too complicated for serious consideration at present for ordinary public elections.

### EXPLANATION OF BUCKLIN SYSTEM

The Bucklin system, as I am using the term in recognition of the Hon. James W. Bucklin of Grand Junction, Colorado, who originated it and got it into use, is the Grand Junction system minus all dropping of "low men" and minus the stipulation that one of each list of candidates must be left unvoted for.

The system may be briefly described as follows: The ballot shown herewith differs from the familiar Australian form only in having three columns at the right of the names, for crosses, instead of only one such column.

A voter marks his first choice by placing a cross in the first or left hand of these columns opposite his first choice candidate's name, and, if he wishes, a second choice by a similar cross in the second column, and *as many other choices as he desires* (without attempting to grade them) by additional crosses in the third or right hand column, but only one choice will be counted for any one candidate. If a candidate receives a majority of the first choices, he is elected; if not, the first and second choices for each candidate are added together. The man then highest wins, provided he has that majority; if no one thus receives a majority, all three choices for each candidate are added together and the highest man wins whether he has a majority or not. This, with elimination of the primary election, ensures either that the man elected is either the choice of a majority of the voters, or is the man among the nominees commanding the largest

# BALLOT ILLUSTRATING PREFERENTIAL VOTING

(BUCKLIN SYSTEM)

INSTRUCTIONS.—To vote for a candidate make a cross (**X**) in the appropriate space.

Vote your FIRST choice in the FIRST column.

Vote your SECOND choice in the SECOND column.

Vote ONLY ONE FIRST choice and ONLY ONE SECOND choice for any one office.

**Vote in the THIRD column for ALL THE OTHER CANDIDATES whom you wish to support.**

DO NOT VOTE MORE THAN ONE CHOICE FOR ONE PERSON, as only one choice will count for any candidate.

If you wrongly mark, tear or deface this ballot return it and obtain another.

| MAYOR | FIRST CHOICE | SECOND CHOICE | OTHER CHOICES |
|---|---|---|---|
| Charles E. Hughes | | | X |
| Champ Clark | | | |
| James A. O'Gorman | | | |
| Nelson W. Aldrich | | | |
| Richard Croker | | | |
| Robert L. Owen | | | X |
| William H. Taft | | | |
| Joseph W. Folk | | | X |
| Robert M. LaFollette | | | X |
| Woodrow Wilson | | X | |
| William J. Bryan | | | X |
| Chauncey M. Depew | | | |
| Theodore Roosevelt | X | | |

following of all after a free and full expression of choice by the voters. In fact there will be a majority of the voters behind the winner, unless the list of nominees contains no one who can command a majority. Then we have the next best thing and probably the best possible with that list of nominees.

### RESULTS OF ITS FIRST TRIAL

How it works out in practice is significantly shown by the results of its first trial in Grand Junction. There are here given, for they are not yet widely enough known.

*Practical working of preferential voting, Grand Junction, Colorado, November 2, 1909*

Total number of ballots cast..... 1847
Majority (of first choices)..... 900

Result of the votes for mayor

| | FIRST CHOICE | SECOND CHOICE | OTHER CHOICES | COMBINED FIRSTS AND SECONDS | COMBINED FIRSTS, SECONDS, OTHERS |
|---|---|---|---|---|---|
| D. W. Aupperle | 465 | 143 | 145 | 608 | 753 |
| *W. H. Bannister | 603 | 93 | 43 | 696 | 739 |
| N. A. Lough | 99 | 231 | 328 | 330 | 658 |
| *E. B. Lutes | 41 | 114 | 88 | 155 | 243 |
| E. M. Slocomb | 229 | 357 | 326 | 586 | 912 |
| Thomas M. Todd (elected) | 362 | 293 | 396 | 655 | 1051 |
| | 1799 | 1231† | 1326† | | |

* The starred men were the anti-charter candidates; the others the pro-charter candidates.

† The light vote in the second and third columns is of course due to the 603 Bannister voters' natural concentration on the only candidate acceptable to them. This gave them a lead in first choices, but being in the minority they could not win against a majority enabled by this ballot to get together.

Omitting reference to the Grand Junction practice of "dropping the low man"—an unessential complication, not likely to be widely adopted, not included in the Bucklin system, and without influence on this result—the decision was drawn from the foregoing figures as follows:

No one having a majority in first choices, the first and seconds were added together. Then the leading candidate, Bannister, provided he had a majority, would have won.

No one having a majority by combined first and seconds, the first, second and other choices were added together, and Todd, the candidate then leading, won.

Under the usual plurality system the minority would have beaten the majority and elected Bannister.

Under the Berkeley, Des Moines, Los Angeles or Seattle plan, that of second elections, there would have resulted a contest, possibly bitter, between Aupperle and Bannister, neither of whom had a majority of the people behind him.

### PROGRESS OF THE BUCKLIN SYSTEM

The progress of the Bucklin system is to be seen from the fact that, since Grand Junction put preferential voting into use, less than four years ago, at least eleven other cities have embodied it in their charters, so that preferential voting is in force today in at least twelve cities aggregating in population over a million and a quarter, and is embodied in proposed new charter drafts in numerous others, including Detroit, Michigan. Outside of Grand Junction, and apart from needless and easily corrected mutilations in three or four other cities more fully taken up below, the system in all these cities is the Bucklin system. The cities with dates of adoption of preferential voting and with 1910 population are:

| | | |
|---|---|---|
| 1909 | Grand Junction, Col. | 7,754* |
| 1910 | Spokane, Wash. | 104,402* |
| 1911 | Pueblo, Col. | 44,395*† |
| 1912 | New Iberia, La. | 7,499*† |
| 1913 | Duluth, Minn. | 78,466* |
| 1913 | Denver, Col. | 213,381* |
| 1913 | Colorado Springs, Col. | 29,078* |
| 1913 | Portland, Ore. | 207,214*† |
| 1913 | Nashua, N. H. | 26,005 |
| 1913 | Cleveland, Ohio | 560,663‡ |
| 1913 | Fort Collins, Col. | 8,210*†(?) |
| 1913 | La Grande, Ore. | 4,843*†(?) |
| | Total | 1,291,910 |

* Commission form charter.

† Restriction to one vote in the third column for each office to be filled. The provisions in this respect in the two small places last named are not quite clear.

‡ 2500 signatures required for nomination of mayoralty candidates.

Spokane, Duluth, Portland and Nashua elect two to five candidates from a group, with as many first choices and as many second choices permitted as there are offices to be filled. In such cases care is taken to provide for the event of more candidates getting a majority of first choices than there are offices to be filled, Of course this is simply done by taking the highest ones up to the requisite number. Spokane, Duluth and Portland are the only ones of the commission governed cities above mentioned which do not elect to specific office and are thus led to election of more than one from a group.

Spokane and Duluth have curious and dubious prescriptions that a voter must vote as many first choices as there are places to be filled from the group, or have his ballot rejected. This seems an unwarranted infraction of the voter's liberty.

It is interesting to note that Colorado Springs is the first city to modify a preëxisting commission charter by the substitution of preferential voting (with election to specific office) for the conventional double election system of Des Moines with election to undesignated places in the council.

Among the cities in which the Bucklin system is embodied in proposed new charters are Bangor and South Portland, Maine, Cambridge and Springfield, Massachusetts, and Detroit, Michigan. In Houston, Texas there is a proposal to introduce it into the city primaries, with retention of the second election.[1]

### MORE RECENT RESULTS

Some of the most strikingly gratifying results with the preferential ballot have been reported from Grand Junction, Spokane, and Portland. The combination of preferential voting and nomination to specific office resulted in Denver in the noteworthy result in the election from among 23 candidates of an exceptionally qualified Commissioner of Improvements, Mr. Hunter. Moreover he polled the highest total vote of any of the 135 candidates for the six offices. It is certainly a sign of the new politics when the choice and nominee of the local members of the most influential national society of civil engineers can not only be brought within reach of the voters for public administrative office but be so handsomely elected, as was the case with Mr. Hunter.

In New Jersey the Democratic, Progressive and Republican platforms all call for the adoption of the preferential ballot in the direct primary system of that State.

Some complaint of the result in Denver is heard from some of the more radically progressive sources because the winners were on the whole not progressive enough to suit them. But close and fair observers believe that they are fully representative of the public sentiment of Denver as it is—and that is what the preferential ballot is intended to elect. Moreover, extremes of radicalism and reaction should probably be referred to the initiative as their proper field of activity—and Denver has the initiative.

The Denver election illustrates another thing worth noting, and one likely to happen in such large cities, especially at the first election. In such cases even in a long list of nominees, there may well be few or no names both widely enough and favorably enough known to command a majority vote. In subsequent elections, the probably excellent records of the officers up for reëlection, the fewer offices to fill, improved means of publicity on the merits of candidates, should all tend to produce a larger support for the winning candidates.

In Denver there were 135 nominees for five commissionerships and an

[1] This proposal was carried by popular vote, October 15, 1913.

auditorship, the number for each office ranging from 14 for the auditorship and an equal number for commissioner of finance, to 29 for commissioner of social welfare. No one got a majority even by a combination of all choices. The winners had the support of from 23 per cent in the lowest case to 42 per cent in the highest of the voters at the election. Similarly in the first election in Spokane under the new system only one of the 5 winning candidates out of a field of 92 got a majority, and in Portland only 3 of the 6 winners out of a field of 88.

### WARNINGS FROM EXPERIENCE

But this excellent progress brings with it not only encouragement, but also some warnings which should be noted and acted upon. These may be plain enough from the foregoing, but they may briefly be summarized as follows:

1. *No system of voting, preferential or other, can ensure, in any literal sense, a majority support for the winner.* While the Bucklin system of preferential voting probably comes nearer to this standard than any other at present practicable, the enthusiastic supporters of even that system should refrain from calling it, without qualifications—a majority system.

Obviously for any candidate to get a majority, he must be known both widely enough and favorably enough to get the votes of the majority at least of those who cast ballots. One so called "absolute-majority" system is so called because by a system of dropping low men or choking them off by primary elections only two are left in the contest and of course one gets more than the other, without necessarily having a majority or being able in a free open election to get a majority of the votes of the voting body. The man elected by either of these systems may actually be among the very least acceptable of the lot to the majority.

The political objection to the too sweeping name of "absolute majority system," is its tendency to undermine public confidence in those who are ready to lead. It offers an opportunity to the objectors for troublesome taunts, intrinsically worth little to be sure, but with a show of justification which progressives should be too astute to provide.

While conceding that majorities are not always to be had, least of all in first elections in large cities, we may fairly assert that a plurality indicating the man who is preferred above all others in a free and open contest in which each voter may vote for *every* candidate to his liking, and need vote *against* no such candidate is the safest known criterion for election when there is no majority obtainable for any candidate.

2. *The uselessness and danger of restrictions upon the number of third column choices.* Happily the large cities imposing such restrictions are in the small minority, but that there should be *any* is surprising. Such

restrictions are obviously in violation of the fundamental principle and purpose of the preferential ballot. This purpose, I take it, is to provide a means to secure the safest possible choice in one election from a large number of nominees—with a majority if possible, if not, the next best thing, behind the winner. To put it another way, it is intended to make it as easy as possible for voters of a certain type automatically to get together behind some one of a large number of nominees of the same type. If the number of choices is restricted at all, just so far the possibility of getting together is threatened. For example, suppose there are nine good candidates, A, B, C, etc., only three choices permitted, and two-thirds of the voters want some one of those nine. The two-thirds could readily be divided into three groups, one group voting for A, B, and C; the next for D, E, and F; the third for G, H, and I. The largest of these groups might well fall below one-third the whole body of voters even to less than a fourth, and thus meet defeat at the hands of a united machine ruled one-third, concentrated by means they know how to use, on a single candidate. This danger may seem remote, but it is hard to see what excuse there is for risking it. Some may carelessly think if one choice is good, three choices are three times as good and that is good enough. The answer of course is that nothing is good *enough*, but the safest and best. Others may dread careless marking in the third column by voters if left unrestricted. The answer is two fold: the voters understand—as experience has shown—that they must not vote any choice for a man unless they are willing to help elect him—and the actual voting in the third column is as yet too light rather than too liberal. In any event the intelligent voter's free choice should not be hampered for fear of careless work by the foolish few—which would result in the election of only such as have a very wide spread support, and hence could not be very far from a real majority choice.

If, as in one system made practicable only by dropping low men, the choices are restricted to two, the evil above pointed out is intensified, to say nothing of the evil inherent in dropping low men that the "low man" dropped even in an apparently close election may be the preference of the overwhelming majority over the actual winner.

Restrictions in the number of allowed choices are needless and dangerous but, happily, unusual. No evidence of actual harm from them in the few cities which have them has, however, yet been reported.

3. *The excessive number of signatures sometimes required upon nominating petitions.* A high number is chosen as a means of choking off trifling nominations. It will no doubt do it to some extent, though very clumsily. But it will tend also to choke off many a desirable nomination. The organized interests with money do not find it hard to meet such requirements, and the normal type of citizen with no ax to grind finds such

red-tape prescriptions burdensome and distasteful. Such unreasonable and unattractive burdens on legitimate political activity breed the very apathy out of which we are hoping to arouse citizens at large.

With 25 sufficing in cities ranging up to Lowell, Massachusetts (population 106,294 and 100 sufficing in Denver (population 213,381), Portland (population 207,214) and Los Angeles (population 319,198) in all three of which women vote and greatly increase their voting populations relatively to Cleveland, it is hard to see why Cleveland should take such an extreme figure as 2500. Boston to be sure used 5000, and with little satisfaction, as a means of choking off trifling nominees, but there is an excuse for this in that their elections are upon the old fashioned single-choice vote plurality system of our grandfathers and many candidates under that system would be highly dangerous. Even the 5000 requirement did not prevent the appearance of two trifling candidates out of four, whose combined vote came to less than 2500 in a total for all four of 95,356. These two, however, split the vote and the office went on a mere plurality to the anti-charter candidate for mayor. This kind of thing is particularly serious because it, not unnaturally, undermines public confidence in "reform."

### SUMMARY OF ADVANTAGES OF PREFERENTIAL VOTING

Among the chief advantages of preferential voting are:

1. It permits the abolition of primaries without interference with the democratic method of nomination by a merely nominal number of petitioners.

2. It permits the nomination of a large number of candidates with practical elimination of the danger of split tickets.

3. It fosters campaign methods which greatly reduce the difficulty of getting high grade men to stand for office. It minimizes the unattractiveness of the campaign and effectively discourages "mud-slinging,"—the candidate who might otherwise descend to slander of his opponents is deterred by fear of alienating second or other choice votes which might come his way. The responsibility on any one nominee to win may become so slight that a man may accept a nomination in the midst of an absence from the state which is prolonged till after election day—and still be elected. This actually happened when the president of the Spokane Chamber of Commerce was thus elected in 1911 as one of a commission of five to a four-year term and from a list of ninety-two nominees for the commission. Other results in preferential voting cities show that the voters are quick, as might be expected, to elect a better grade of officials as soon as they are brought within their reach.

4. It is believed to be the safest known means of election for protecting

the majority interest against machine or special interests. It cannot, of course, insure a majority for the winning candidate—no system of voting can do so in any literal sense—but, in case no one running is widely and favorably enough known to command a majority in a free, open expression of choice, it offers a greater likelihood than any other known system that the winner will be of a type loyal to the majority interest, rather than to any machine.

5. It greatly simplifies the supremely important problem of securing high-grade, non-place hunting and competent elective officials. The reasons are suggested in the two preceding sections but this advantage is important enough to warrant separate emphasis.

Of course the easily obtained nomination, freedom from machine control, improved campaign conditions, and good chance for victory for an honest, competent, non-self-seeking candidate, which are features of preferential ballot elections, must be supplemented by holding out to such candidates properly attractive office-holding conditions. This part of the problem has fortunately, however, been pretty well solved in our commission governed cities and the preferential ballot comes in as a most welcome means of filling out a hitherto most troublesome gap in our election methods.

In closing it should be once more emphasized that allowing voters merely a first and a second choice does not in a proper sense constitute preferential voting. Since the purpose of the new system is to offer the easiest and most nearly certain means for the majority sentiment to crystallize behind some one of a large number of nominees for an office, it is obvious that voters must be permitted to vote—in one order or another—for *all the candidates they wish to support.* Only a small minority of the cities mentioned have fallen into the seductive, dangerous and wholly needless error of limiting the allowed number of choices and it is to be hoped that this erroneous practice will not spread.

Lewis Jerome Johnson.

## PROPORTIONAL REPRESENTATION AT LOS ANGELES

A FEW months ago Los Angeles voted upon a charter amendment providing for proportional representation in the city council. The purpose of the amendment was to secure to the various political elements or groups in the city, the conservative, the moderate, the radical and the independents, that measure of representation in the city council to which the numerical voting strength of the various groups would respectively entitle them.

The merits of the charter amendment, considered as a technical election

law, were not much discussed, but the discussion was largely confined to the broad question of the merits and demerits of proportional representation. Should provision be made that would guarantee to the larger political groups a proportionate representation in the city council, or should the largest group in the city (Los Angeles elects all councilmen at large) continue to have the power to elect all the members of the council? The question of proportional representation was new to the average voter of Los Angeles. It had never received public discussion and consideration here before. The campaign for the charter amendment lasted about two months. The amendment was defeated by a vote of 17,477 ayes to 18,704 noes.

What were the reasons that lead a large city to give such serious consideration to so a novel measure? We will give briefly some of the specific arguments put forth in the support of proportional representation, and some of the political philosophy underlying it.

1. All elements of the city should function in the city's political life. There is more health and safety in lawful action and expression than in inaction and repression.

2. A council elected on the principle of proportional representation would be truly representative, which is what a council hould be. Incidentally, government by such a council would make the appeal to the initiative or referendum less frequently necessary.

3. Participation in the city government by all the political elements of the city would build up a wider feeling of loyalty to the city government.

4. Municipal progress and policies would be more consistent and continuous, for at each election a change of position on the part of a few voters would not completely change the character of the city government, but would simply make it a little more conservative or a little more radical than it had theretofore been. Progress, not mere fluctuation, would result.

5. All elements taking part in the city government, all elements would bear some of the burdens of the city government, particularly some of the criticism which is so constant and overwhelming in local government. No reform administration should undertake the impossible task of bearing all the burden of anti-city-government criticisms.

Desisting from the further enumeration of the specific arguments that were advanced by the friends of proportional representation, we will present a little of the general political philosophy underlying the movement.

In a large city with as varied governmental interests as Los Angeles, there are certain to be differences of opinion as to what the municipal policies should be. Honesty and efficiency in administration, the great rallying cries of non-partisanship, are not the only questions that need to be solved. On moral, economic, social, political, educational and sanitary questions, a great city may divide as sharply as does the nation on national issues of the same character. Local political organizations, local political

parties if you like, composed of those who think alike on certain municipal questions, are necessary for the effective development and expression of the political sentiments of a large city.

National parties, organized on national issues, of course should not intrude themselves into city elections. Local political parties should not be of too hard and fast a character, but should come and go and vary in response to the needs of the city for clear expression and definite action. To this end the defeated Los Angeles charter amendment provided the utmost elasticity in the method by which the voters grouped themselves into party groups, and the independents were treated as a group, having all the rights and standing of the more closely organized groups. The voters grouped themselves by the manner of marking the ballots, and a political organization of many years standing would have no legal advantage whatever over a temporary party organized just for one campaign. Experience with non-partisanship shows that it just as desirable to secure the advantages that come from united action on the part of homogeneous political elements of the city, as it is to avoid the disadvantages of "machine" politics. A "non-partisanship" which means individualism carried to the point of chaos is a thing to be avoided.

Recognition of the importance of policies or measures in city government, and as a corrallary, the recognition of the importance of the legislative functions of the city council, carry with them the idea that the council should be distinctly a legislative body, and that the adminsitration of the city government should be in the hands of expert professional administrators under some appropriate adaptation of the general manager form of city government.

A good many of us are getting tired of voting for candidates for city council whose chief qualification for office is that their inoffensiveness gives them a chance of getting a majority vote. We would like a system where the one-fifth or one-seventh or one-ninth of the voters of the city (according to the number of councilmen in the council) who hold similar views to our own, can elect strong positive men to give expression to those views; and then let the other voters express themselves with equal effectiveness. The self-repression and near approach to hypocrisy involved in the effort to get a majority vote, is getting very tiresome, as well as having been shown to be very inefficient, The most difficult of all positions to which to elect strong men is a city council in an election at large. It would not be so difficult under proportional representation.

We have two kinds of anarchists in Los Angeles—a highly reactionary group and a very radical group. The reactionaries have refused to acquiesce in the city's determination to use the initiative, referendum and recall in the transaction of city business, and have sought to block the city government rather than to influence it. The extreme radical group assert that all

government is a failure, and urge the workingmen to ignore it. It is not to the advantage of Los Angeles that either of these groups should grow more numerous—they should be kept at a minimum. Proportional representation will help. If a voter can find even one candidate for the council that he would really like to see elected, a strong candidate with a definite program, the voter is apt to go to the polls and vote. He begins to function in the city government. The paralysis of the "stay at home vote" begins to disappear and health and vigor develop in the municipal life.

GEORGE H. DUNLOP.[1]

## DEFECTS IN THE DAYTON CHARTER[2]

AT THE present time when the agitation in favor of the so-called city manager plan of city government is becoming so wide-spread as to attract nearly universal attention, it is well to distinguish between the merits of the plan *per se* and the features of any particular charter that may be cited as putting that plan into effect.

The charter most frequently cited in this connection within the last few months is that of the city of Dayton. Dayton being the largest city in this country that has so far put the plan into actual operation interest is naturally centered on that place, and copies of the Dayton charter are in great demand wherever any interest is shown in the new movement. It is especially desirable therefore that a general indorsement of the city manager plan be not misconstrued into an indorsement of all the features that are found in this charter, which has assumed more or less, through the recommendations of the Dayton bureau of municipal research, the rôle of a model charter for other municipalities desirous of following along the new lines.

It is quite unnecessary here to discuss the merits of the plan for expert city administration of which the city manager movement is properly considered as the chief exponent. On the advantages of expert city administration students are agreed, and it is also true that the city of Dayton has definitely declared itself in favor of the application of the principle, and to that extent deserves the admiration and congratulations of the supporters of efficient city government throughout the country.

But there are some features of the Dayton charter which seem to be undesirable and yet which, unfortunately, would be just as likely to be copied in other city charters as would the commendable ones.

Three of these defects deserve particular mention, one of them in fact

[1] President of the People's Charter Conference of 1913, and a member of the former municipal newspaper commission.

[2] See article on "The City Manager Plan of Government for Dayton," by L. D. Upson, NATIONAL MUNICIPAL REVIEW, vol. ii, p. 639.

being of a nature to destroy in a measure the very benefits which this new plan is meant to secure.

The first of these weaknesses is found at the very beginning of the charter where in section 1 an enumeration of the powers of the corporation is attempted. Now it is a well recognized fact that the practice of enumerating the corporate powers of cities has been the source of great inconvenience, in this country. No enumeration can ever be complete and so it is necessary to add, as has been done in section 2 of the Dayton charter, that "the enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise all other powers which under the constitution and laws of Ohio it would be competent for this charter specifically to enumerate." Even if such a blanket provision affected its purpose, namely, to confer upon the city all local powers so far as possible under the laws and constitution, we would at least have to conclude that the enumeration in section 1 is surplus verbiage. But that is not all, for courts have repeatedly taken the view that the principle of *inclusio unius, exclusio alterius* will be applied whenever there is an enumeration of such corporate powers, and that a blanket clause like that of section 2 above will not be given effect. Hence such an enumeration so far from being of any benefit may be a positive detriment. Much better, therefore, would it be, to make a general grant of powers subject to the limitations imposed in the charter.

The second feature of the Dayton charter which it would seem undesirable for other cities to copy relates to the nomination provisions. More than two pages are taken up with regulations concerning primary elections, when it would have been much simpler to provide for nomination by mere declaration, on the English plan. Primary elections are no doubt superior to the old packed convention system of party nomination, but where it is the avowed purpose of a charter, as it is that of the Dayton charter to have "party politics eliminated"[3] it is unnecessary to have any kind of formal nomination procedure. Primary elections double the cost of elections, and what is worse they double the burden of the elector, which means just that much less participation by the voters, especially the best fitted ones. If a multiplicity of candidates is feared, it is suggested that the probability of minority candidates being chosen as a result of many applicants is on the one hand not a real danger and on the other can be met in a simple manner. That facility in becoming a candidate does not necessarily lead to a plethora of aspirants is shown by the experience of England. But

[3] See statement of the charter commission immediately preceding the charter proper.

even if it should do so in this country the danger of minority choices can be met by the use of the preferential ballot.

The third objectionable feature of the Dayton charter is of much greater significance because it seems to strike right at the heart of the city manager principle. By section 13 of the charter *the city manager is made subject to recall.* Now it seems clear that the very first step in the direction of expert city administration was to take the choice of the experts out of the hands of the electorate and to put it into the hands of some other organ, the council or the mayor as the case might be. It was felt that this offered greater opportunity of getting an expert man in the first place and of having him administer the affairs of the city energetically, without continually weighing in his mind the probable effects of enforcing this or that administrative measure which might be disagreeable to this or that influential political individual or group. If it is characteristic of the city manager plan to make the commission or council responsible for choosing the best man for the place, what possible justification can there be for making that same man subject to recall by the electorate. If he must "make a hit with the people" to keep from being recalled, he is scarcely in a better situation than if he has to make a hit with the people to be elected in the first place and his motives will inevitably be influenced by the contemplation of what response this or that proposed improvement will meet with in the minds of the voter.

We have made a long stride in the right direction when we discard the fallacy of trying to elect expert administrators by popular vote. Let us not slide back half way or more by allowing popular vote to determine whether or not such an administrator shall continue in office.

HERMAN G. JAMES.[4]

## LOS ANGELES—A CITY IN BUSINESS

FAVORED by kind nature to an unusual degree in most of the things which tend to the peace and happiness of her citizens, the municipality of Los Angeles for nearly a decade has faced famine in one of the most precious of all her necessities—water. In the last ten years' interval she has seen her population increase by leaps and bounds and her water supply slowly diminish under the inroads she has been forced to make upon the subterranean sources of the Los Angeles River from which at the present time, her reservoirs are filled.

Happily, this obstacle to her growth and progress, with the opening of the new year is, for many generations, removed. Los Angeles has gone

[4] Of the School of Government, University of Texas. Director of the Bureau of Municipal Research and Reference.

250 miles to the northward to find the source of a supplementary supply in the perennial streams that flow down the eastern face of the Sierra Nevadas. On November 5, 1913, 30,000 people assembled at the outlet of this aqueduct, 25 miles northwest of Los Angeles, formally dedicated the completed structure to the important work it is to perform.

The water course, constructed of steel and concrete, pierces the heart of the coast range by a 5-mile tunnel, crosses, for 150 miles, the bleak and unbroken expanse of the Mojave Desert, climbs high along the rent flanks of the Sierra and with a system of reservoirs strategically placed, guards against any possible interruption of service. Nine years in its building, this enterprise stands as one of the most remarkable in history. A narrative of the engineering exploits by which each obstacle to construction was met and overcome is as thrilling as any story of adventure. This article is intended, however, to treat in briefest details of the municipal, political and economic aspects of the undertaking, which, certainly from their unusual character, to the student, will be hardly less interesting than the account of the spectacular efforts of the engineers in charge.

First and foremost, the Los Angeles aqueduct is a water works system. As side-issues of great economic importance, it is a municipal enterprise providing for the present reclamation of more than 200 square miles of semi-arid land contiguous to the city, and the development of 120,000 horse power of electrical energy for the driving of factory wheels, the illumination of streets, public buildings and homes.

From its inception the enterprise has been one of whole-hearted public endeavor. Los Angeles is a city in business. She has carried on her affairs with the acumen of a private corporation. When the city's board of water commissioners decided that the city's interests demanded the new water supply, it sent its agents openly, but not in the name of the city, to buy the needed lands and water rights. Ranchers of the valley were paid a price for their properties commensurate with their value at that time as farming or grazing lands. Not until the city had consummated its whole plan of water development in the valley, did the board make known the details of the large enterprise that the municipality had entered upon. Speculators thus had no opportunity of profit for they found the city before them. Nearly 100,000 acres of land were purchased at an average cost of less than $16 per acre, while many of the water rights were obtained by filings made in the name of water department engineers long before the public was aware of the city's intentions.

With one small exception, the whole enterprise has been carried on by day labor under the direction of the city's engineers. The building of the aqueduct entirely disproves the oft-repeated assertion that it is economy for a municipality to have its public work done under contract. The construction of the Jawbone section of the aqueduct is a concrete

example. This engineering division comprising 23 miles of most difficult work, was offered for contract, as one of the first acts of the aqueduct bureau preliminary to construction operations. When the bids were opened, the lowest proposal was $500,000 in excess of the estimates which William Mulholland, the chief engineer, had prepared. He asked that he be permitted to undertake the job with city labor, and the request was granted. New and improved methods with an easier material in the tunnels than the surface conditions indicated, brought the completion of this division at a cost of $700,000 below the lowest bid which had been offered.

As a means of comparison, one contract for about 12 miles of aqueduct, or 3 per cent of the whole undertaking, was let. Basing the total cost of the aqueduct on the cost of the contract job, an expenditure of $40,000,000 would have been required.

The estimate of the cost of construction was $23,000,000. The enterprise has been completed within this amount, 100 miles of conduit cover have been placed that were not provided for in the original estimates (in voting $1,500,000 for lands and water rights and $23,000,000 for construction, the city reached the limit of its legal indebtedness, and it was expected that this improvement would have to be made after the aqueduct was a "going concern") and there is still a considerable amount to be realized from salvage.

Wherever possible the city entered upon a plan of bonus payments by which labor was rewarded over and above its day wage for progress that exceeded the average. With the aqueduct completed, Los Angeles has two valuable commodities—water and power. The earlier the task was finished, the sooner could the resources of the aqueduct be put to service, and Los Angeles established the bonus system in the belief that the profits therefrom should be anticipated and partitioned with the labor which made an early completion possible.

Without entering upon a broad discussion of numerous side issues of municipal endeavor, incident to aqueduct building, the city required more than 1,500,000 barrels of cement as one of the materials of construction. Finding the necessary components of cement nanufacture in close proximity to the aqueduct zone, mills costing in excess of $900,000 were erected. Before they could be made ready for use, 100,000 barrels of cement were needed and bids were asked for this quantity. Proposals were received from half a dozen companies. They were identical as to price—$2.25 per barrel. "We know exactly the cost of manufacture," the agents were told. "The city is going to be in the cement business within a few months. Therefore we do not propose to be held up by any combine. Aqueduct excavation stops until the municipal mills are running."

Before nine o'clock of the next morning, the price offered by one of the bidders dropped to $1.50 per barrel. The city purchased at this figure,

with an option on an additional 100,000 barrels. Had the city cement mills produced only a small percentage of their actual output, they would have been a good business proposition in this way. So much for a municipality that believes thoroughly in municipal ownership.

In its political aspects, the project has been as remarkable as in its engineering details. The aqueduct has been a municipal enterprise in which there were no politics. Herein, it is the full belief of the writer, lies the secret of the success of the entire enterprise. Every man who went out onto the desert had his work cut out for him. His failure or his advancement lay entirely within himself. Held accountable for his work, it was a principle of the head office that those in executive positions in the various engineering divisions should have the selection of their own subordinates. Civil service employees were not always efficient employees. Where they failed, they were thrust aside. In the lower grades of labor, the men themselves drove out the drones; drones cut down progress and slow progress made small bonus. The writer has been connected with the enterprise in his present position since practically the inception. In that interval, he knows of no instance in which an employee entered the service of the bureau either in the field or at the headquarters office, where political influence, and not worth, was the means of procuring his employment. This is written with a full knowledge that for two or three years at least, one or more of the public service corporations were setting aside a certain quota of positions in their organizations to be filled through political recommendation.

How then is this unusual situation explained? There were three factors interlocking to make it possible. First, the people themselves were always on the job. This great work has entered into the very civic consciousness of the community. Nearly every citizen took a personal interest and pride in the undertaking. Even the school children knew the details of the city's endeavor. The press gave wide publicity day by day as the work progressed. There was little opportunity for things to go wrong without the people soon knowing about it. William Mulholland, the chief engineer, is a man in his city known as one opposed to politics where efficient work is to be done. The voters stood shoulder to shoulder with Mulholland. They, too, wanted no politics on their job. The union of the two forces proved too much for politics and it looked for likelier pastures. At every municipal election, about the first question that a candidate was asked to declare himself upon was, "Well, how are you going to stand on the question of the aqueduct?" The third element in making possible a non-political organization was the city civil service. It was tried conscientiously with the civil service commission and the aqueduct bureau working in harmony. It worked, and worked well.

In its economic phases, the aqueduct offers to the city a broad field of

future possibilities as to growth and commercial supremacy. In one way, sociological but with the end economic, the enterprise has already been productive of important results. The project, in 1905, was seen to be of such magnitude that there came to the people the clear realization that its successful accomplishment was only possible through the understanding and coöperation of all political, labor and commercial factions. This was brought about, and, continuing, throughout the nine years, has developed a high degree of municipal loyalty and a happy condition of unity. Municipal strength is the result. This is an indirect outcome of the undertaking.

The direct economic results to be realized lie in the disposition of both power and water. Of the latter, the aqueduct assures a daily supplementary supply ranging from 260,000,000 to 300,000,000 gallons, which is sufficient for the needs of 2,000,000 consumers. Pending the growth of population to the point where the total flow will be required for this purpose, the present surplus is sufficient for the irrigation of more than 135,000 acres of land, all of which may be brought within the limits of the larger city now planned. Within this area, the water, first used for irrigation, automatically with the increase of population can be slowly withdrawn to fulfill the more important office of domestic supply. A market awaits all the present surplus as soon as a distribution system can be built. The direct financial returns from the sales for irrigation will be large, but they must be of secondary importance in comparison with the indirect creation of municipal wealth that will follow the application of the water to the land. It means adding an area of more than 200 square miles to the Los Angeles "back country" in a region so endowed by nature that under the intensive cultivation here followed, two or three acres provide sustenance for a family of average size.

In power development the aqueduct offers the possible generation of a maximum of 120,000 horse power. The larger part of the amount can be produced within 47 miles of the city and in such quantity and at such a low rate that no single power corporation, or group of power corporations now operating within the city can compete with her. When it is realized that the present electrical power consumption of the city for all purposes outside that of street railways is estimated at 36,000 horse power, it will be seen how large a commercial asset is contained in this phase of aqueduct building.

Los Angeles already has the first power house, with a capacity of 37,500 horse power (for which $3,500,000 in bonds was voted in 1910) now under construction. It will require $1,250,000 additional to complete the work and deliver the energy at the city's gates. The proposal to issue bonds for this amount with the addition of $5,250,000 for the construction of a city distribution system is now being considered.

The foregoing economic results of the enterprise are confined not to a single year or a series of years but enter into the life of the community as long as it and the giant water course of steel and concrete shall last. Under the most adverse circumstances, Los Angeles has displayed a heroism unequaled in the history of cities. She has concentrated all her effort in the accomplishment of this stupendous task. A great natural resource has been conserved, not for the profit of the few, but for the common welfare of the many who may come within her limits.

Burt A. Heinly.[1]

## INCREASING MUNICIPAL INDEBTEDNESS

ONE of the most striking facts relating to modern city building is the great actual and relative increase in municipal indebtedness during the last ten years. That increase and the magnitude of the existing debts of the larger American cities can best be seen by comparing both with corresponding data relating to the national debt of the United States. At the close of the fiscal year 1902 the net national debt, or gross debt of the nation less assets available for meeting the same, was $969,457,241; and at the close of the fiscal year 1911, or nine years later, it was $1,015,784,338, an increase of $46,327,097, or 4.8 per cent. This small increase in the intervening period represents the aggregate national deficit by reason of the acquisition and construction of the Panama Canal in addition to the ordinary governmental expenditures. This small increase in national indebtedness was accompanied by a greater increase of national population, and hence the relative amount of national debt represented by the average per inhabitant decreased from $12.24 to $10.83, or 11.5 per cent.

These changes in total and average net debt of the national government stand in marked contrast with those of the net debts of the 146 cities of the United States whose statistics have been collected by the bureau of the census for all the intervening years, and especially with those of the largest of those cities—New York. These 146 cities at the close of the fiscal year 1902 had a net indebtedness of $900,178,161, and nine years later, of $1,803,129,085. New York at the close of the year 1902 had a net debt of $276,983,472, and at the close of the year 1911, of $723,292,829. At the earlier of the dates mentioned, the debt of the 146 cities equaled only 90.8 per cent, and that of New York, but 28.6 per cent of the national debt; while nine years later the debt of New York alone equaled 71.7 per cent of the national debt, and that of the 146

[1] Secretary to William Mulholland in charge of the construction of the aqueduct.

cities equaled 177.5 per cent of such debt. In the nine years the debt of the 146 cities increased a little more than 100 per cent, and that of New York over 160 per cent. The per capita of the debt of the 146 cities increased in nine years from $44.19 to $67.31, and that of the metropolitan city of New York from $76.45 to $145.92; the relative or per capita debt of the 146 cities at the close of the year 1911 being thus 6.2 times, and that of New York City, 13.5 times as great as that of the federal government.

Any intelligent judgment with reference to this increase in municipal indebtedness must be predicated upon the principles that are generally accepted in the business world in forming an opinion concerning the wisdom of an increase of indebtedness by a private individual or corporation. When such an individual or corporation borrows money and the resources thus obtained provide the means for increasing productive properties and materially adding to income without the assumption of an undue risk, the act of borrowing is considered a wise one. Under such circumstances increased liabilities within reasonable limits strengthen rather than weaken business stability. In contrast, debts incurred for purposes or under circumstances that secure no property with an assured earning power, and that lessen income or add to net expenses, are never justified from a business standpoint, and such debts if incurred beyond a determinable limit by even the wealthiest marks an entrance upon a more or less dangerous financial course.

Municipal borrowing is to be justified or condemned under quite similar conditions. Borrowing to purchase property or make public improvements or to engage in undertakings that provide public utilities and conveniences without adding to the ordinary tax burdens, or which secure the means for lessening such burdens, must be considered a governmental act fully justified by the results. The more such debts a city has within reasonable limits, the more assured its business stability and its future financial standing. In contrast, municipal debts which give rise to no assured income and thus add to the current costs of government and increase the burden of taxation should not be incurred except to a limited extent, and large volumes of such debt must necessarily be looked upon with more or less of distrust. The purpose of the increasing American municipal debt and the results obtained by the governmental administration of our cities must be considered, as well as the volume of that debt, in forming an intelligent judgment concerning its financial wisdom.

Turning to the latest figures compiled by the bureau of the census for cities having a population of over 30,000 in 1911, it is found that of the gross debts, funded and floating, of these cities—$2,381,309,853—$1,593,495,694, or 66.9 per cent, were incurred for general purposes, and $788,814,159, or 33.1 per cent, for public service enterprises, including water

and gas supply systems, railway subways, docks, wharves, ferries, etc. This percentage of public indebtedness incurred by 193 American cities for establishing public service enterprises and for general purposes may be compared with the corresponding percentages for seven German cities as stated by Frederic C. Howe, in his book, *European Cities at Work*. Those cities have 64.1 per cent of the class of debt first mentioned, and only 35.9 per cent of the one last mentioned. Judged by the standards of commercial enterprises the American cities have not, therefore, used as much business sense in incurring indebtedness as have the German cities referred to. If comparison had been made with all the German, French, or British cities the percentages obtained would have led to substantially the same conclusion. American cities incur debt in larger proportions for non-productive purposes than do the European cities, and a given volume of debt raises more questions concerning the wisdom of the borrowing and the results to be expected therefrom.

This last conclusion is emphasized when a study of the statistics of European cities discloses the fact that as a rule the productive properties for which debts have been incurred are so managed as to pay the operating expenses, interest, depreciation, and sinking fund charges, and in most cases provide revenue for the reduction of taxes, while such results in American cities are much less uniformly secured. Some of the indebtedness incurred by American cities for so-called productive properties add to the burdens of the taxpayer the same as do the debts for other properties, and the accounts of many cities are in such a shape that neither their citizens nor outsiders can be sure whether the debts for water-supply systems and similar enterprises are a burden or assist in lifting burdens. A debt for a water-supply system or kindred enterprise that is not wholly self-supporting is a burden; and if when included with the debts for non-productive properties the aggregate exceeds a safe limit, the situation is fraught with peril the same as if the debt had been incurred for current expenses of maintenance. The regulations recently issued under authority of Congress with reference to the securities to be accepted in connection with postal savings deposits recognizes these facts by the method established under those regulations for computing the net indebtedness of cities. The amount of outstanding bonds issued for the purpose of providing public utilities, including the supplying of water or the construction of subways and tunnels for railways, is deducted from the gross funded and floating indebtedness, *provided* evidence is submitted showing that the income from such utilities is sufficient for maintenance, for payment of interest on such bonds, and for the accumulation of sinking funds for their redemption. This action by the treasury and post office departments is the first official recognition by state or national authorities of the principle that ought to be established for determining the amount of a city's

net indebtedness, and in a short time by their operation these regulations will doubtless compel a proper accounting for public utility enterprises of our cities, as well as secure a more efficient and economical administration of them. This accounting and better general administration are needed to lessen the already heavy burden of American municipal debt upon the taxpayers and through them upon the toiling masses.

European as well as American cities are now compelled to guarantee a higher rate of interest on their recently issued debt obligations than on those of previous years. Thus, New York City recently floated its corporate stock with difficulty at $4\frac{1}{2}$ per cent, although only a few years ago it was able to float an aggregate of nearly $300,000,000 at 3 per cent, and many cities in the last year have been unable to float their bonds at rates which have been authorized by the laws under which they are operating. Many persons in commenting upon the foregoing facts assume that the increasing rate of interest indicates that cities have generally strained their credit, and that they are necessarily approaching the condition of insolvency. Before accepting any such conclusion it is well to compare the average burden of relative public indebtedness resting upon the people at the present time and that resting upon them in 1865 and 1870.

The per capita debt for the 146 cities having a population of over 30,000 at the close of 1911 was $67.31, the per capita national debt was $10.83, and the per capita state and county debt with all of the recent additions could not have exceeded $14, and probably was less than $12. This makes an average debt resting upon the people of our larger cities at the close of the year 1911 of not to exceed $92.14, which is not greatly different from the corresponding share of national, state, county, and municipal debt resting upon the people of the same cities August 31, 1865, when the national debt reached its maximum of $79.44 per capita. The magnitude of the debt of the average American city, when considered in the light of the experience of our nation since 1865, is nothing to be worried about. This fact, which is evidenced by the comparison above presented, is emphasized by the further fact that all available information indicates that the per capita wealth of the United States, and thus of the taxpaying power of the people, is at least three times what it was at the close of the Civil War, and hence the large per capita public debt of the average American city is relatively only one-third as heavy as in 1865.

What has been said above concerning the rapid increase of the total and per capita debt of our American cities taken as a whole does not apply to all the cities. Many cities have already accumulated debts that approximate their borrowing power, and others have found ways of incurring debts in excess of what was supposed to be constitutional and statutory limitation established in the decade 1870 to 1880. These cities are now compelled to meet all current costs of government, including their

outlays for public properties and improvements, as well as carry the heavy burdens of interest payments due to unwise loans and bad management in the past. One factor that has assisted in bringing about this condition of affairs has been the unwise restriction placed upon cities of keeping their tax rate below a fixed and parsimonious limit. Such laws and the custom of borrowing to finance properties and public improvements to be used for general purposes in greater proportion than for acquiring properties which will provide a sure income have brought the financial administration of many cities to a very critical point and will soon carry many others to the same position. In this respect these cities are duplicating the action of the states, counties, and municipalities of the United States that so unwisely incurred indebtedness in the decade ending 1873 that their debts became an important factor in bringing about the financial panic of that year.

The mad scramble of the years mentioned to incur local debt at a time when the national government was reducing its obligations opened the eyes of the country to some of the dangers of unregulated and unwise governmental borrowing. The severe lessons of the panic of 1873 brought the nation to its senses, and every state in the union established constitutional or statutory limitations relating to municipal and, in most cases, state debts also. The general body of governmental debt, as a result of that legislation, continued to decrease for quite a number of years, and new debts when incurred were incurred for proper purposes and within safe limits. Many of our cities and some of our states in the last twenty years have lost the new bearings which they mapped out for themselves, or that were mapped out for them after the finnancial storm of 1873, by unwise, unwarranted, and too large borrowing for constructing and acquiring non-productive properties and public improvements and, in some cases, for meeting current expenses of governmental operation. These cities and states have brought themselves to a critical financial condition, and by the magnitude of their borrowing have become a factor that might, with others, if present in sufficiently large amounts, precipitate a panic like that of 1873. The situation calls for a careful review of the purposes for which cities should incur funded debts, the unwisdom of accumulating large debts for unproductive properties, or of permitting such debts to be incurred beyond reasonable limits; since they throw upon the future the burdens that ought to be borne by the present.

Le Grand Powers.[1]

[1] Census Bureau, Washington, D. C.

# COMPETITIVE ESSAYS ON THE MILK SUPPLY IN MY CITY

SIXTY essays were submitted this year for the prize offered annually by the National Municipal League for the best essay written by a high school student on some municipal topic selected by the League. The subject for 1913 was "The Milk Supply in My City." The first prize was awarded to David Barton, of the Walnut Hills, Cincinnati, High School and the second to J. G. Mitchell MacCartney of the Altoona, Pa., High School. The judges were John Spargo, the well-known author of Yonkers, N. Y., who wrote "The Common Sense of the Milk Question" and Prof. Selskar M. Gunn, of the Massachusetts Institute of Technology, Boston, Mass., and lately health officer of Orange, N. J.

The announcement of the subject of the competition of 1913 was accompanied by an outline designed to direct the competitors to an understanding (1) of the essential elements of a public milk supply and (2) to an investigation of their local milk supply with a view of learning and setting forth its character as compared with a reasonable standard. As the outline was prepared with considerable care and in the light of the experience of a board of health which has long given careful attention to the control of the milk supply under its jurisdiction it is reprinted here as of interest and of possible use to the readers of the REVIEW:

### THE MILK SUPPLY IN MY CITY

(I) Essentials of a Public Milk Supply:
- (1) Hygienic quality or healthfulness, including freedom from disease germs.
- (2) Food value or nutritious qualities.
- (3) Reliability of service.
- (4) Price, which includes both (*a*) availibility to those of limited means and (*b*) a fair return to the producer and milk dealer.

(II) The source of the Milk Supply in My City as regards:
- (1) Locality, within or outside city; farm dairies scattered or close together, large or small, few or many.
- (2) How handled at the farm dairy to keep it free from (*a*) dirt, (*b*) infection by disease germs and (*c*) to ensure proper temperature.
- (3) Relation of producer to consumer: does the dairy farmer deliver milk to the consumer, to a retail milk dealer, to a middleman in (*a*) the city or (*b*) the country?

(III) How Our Milk Supply is Conveyed from the Dairy Farm to the City:
- (1) By wagon, trolley or steam railway.
- (2) Sanitary conditions of transportation, to keep milk (*a*) free from dirt, (*b*) from infection, (*c*) to keep it cool.

(IV) How Our Milk Supply Gets to the Consumer:

(1) By delivery at the door, and if so, (*a*) by what means and (*b*) under what sanitary precautions.
(2) By purchaser going to store for milk and if so, what sanitary precautions are taken, including (*a*) in the storage and handling of milk in the store and (*b*) in getting the milk from the store to the home.

(V) What Our City Government Does to Safeguard the Milk Supply:
(1) As to purity at (*a*) the farm; (*b*) at central collecting, bottling and shipping points in the country; (*c*) at the central distributing points in the city, including wholesale and retail stores or distributing stations; (*d*) actual distribubution from house to house; (*e*) care of milk by consumer; from time of delivery to consumption by him.
(2) As to economic or food value, including fats and solids standards, freedom from water adulteration, etc.

(VI) The Milk Consumer's Part;
(1) As to choice of his milk supply.
(2) Checks on purity.
(3) Checks on food value.
(4) Proper care of milk after received by him.

(VII) The Broader Economic and Social Aspects of Our Public Milk Supply:
(1) Is there available to all an ample supply of safe, wholesome, nutritious milk, at a price on parity with that of other foods of equal nutritive value?
(2) Is there available to all, at a reasonable price, high-grade milk, particularly suitable for infant feeding?
(3) What are the retail prices of the various grades of milk available in my city (*a*) at the home, (*b*) at the milk or grocery stores? In case the dairy farmers who produce the milk do not deliver it direct to the consumers, what are the prices received by the farmers, what is paid for freight and what do the intermediate jobbers, middlemen or wholesalers receive, all expressed in cents per quart.
(4) What is the average per capita consumption of milk for the whole city? What does this indicate as to quantity and price of available supply, economic condition of the population and general intelligence as to the value of milk as a food in comparison with other foods?

(VIII) Suggestions for Improvements in Sanitary or Hygienic Quality of Our Milk Supply:
(1) In production and in preparation for shipment;
(2) In transportation to city;
(3) In city wholesale depots and stores;
(4) In retail stores;
(5) In the delivery by wagons, etc.,
(6) By consumers;
(7) In supervision by Health or other City Departments.

(IX) Suggestions for Improvements in Food or Nutritive Quality of Our Milk Supply.

(X) Suggestions for Reductions in Cost to Consumer through the adoption of improved methods of Production, Transportation to City and Delivery to Consumers.

The sixty competitors for the prize were distributed from Connecticut to Wyoming and Texas. In a number of cities—notable Baltimore, Johnstown and York, Pa., and Marshall, Texas, special effort was apparently made by some one to enlist the pupils in the competition.

A careful reading of many of the essays and a casual examination of each of the others leads the present writer to believe that the educational value of the competition must have been considerable in the aggregate. Most of the essays give evidence of such a grasp of the essentials of a public milk supply as is likely to make the writers alert and critical on the subject hereafter. Many of the essays also showed that a careful analytical study of the local milk supply was made—with the result that more generally than not its character and public control was found to be seriously at fault. At the same time, the essays, coming as they do from all sorts of widely scattered cities, afford gratifying evidence of recent progress in improving the milk supplies of our cities and towns.

The winners of the two prizes ($30 and $20 respectively) have already been named. In addition the judges gave honorable mention to the following: Miss Jessie M. Webb, Miss Ida Fowler Mealy, Miss Marie A. McCann, Western High School, Baltimore, Md.; Miss Althea Oyster, Alliance, (Ohio) High School; Mr. Howard H. Weber, York, (Pa.) High School; Miss Ethel E. Tomb, Johnstown (Pa.) High School; Miss Eleanor Turner, Marshall (Texas) High School.

M. N. Baker.[1]

## MINNESOTA AND THE LIQUOR TRAFFIC

MINNESOTA has made some advance in liquor legislation during the last twenty years, but we are still far behind many of the states in legislation which is effective in controlling the traffic and enforcing the law.

Under the laws of the state it is legal to sell intoxicating liquor in quantities of five gallons or over without a license, except in territory which has been voted dry. It is illegal to sell in quantities less than five gallons unless the person so selling has obtained a license. The law provides that in cities of the first, second and third classes the license shall be not less than $1000 a year. All other licesses shall be not less than $500. These licenses are granted by the council in municipalities, and by the board

[1] Chairman Executive Committee, National Municipal League.

of county commissioners when the saloon is located outside of a municipality and in a township.

The bodies which are given power to grant licenses can do so by complying with certain provisions of the law. They are also given the power of discretion, and may refuse to grant a license at all if they choose to do so, and their action in this matter is final.

The license money is distributed as follows: 2 per cent of *all* the license money collected in the state goes for the support of an inebriate asylum at Willmar. In cities of the first, second and third classes, the balance of the license money (98 per cent) goes into the treasury of the city where the saloons are located.

Cities of the fourth class and villages pay 10 per cent of the license money collected into the general fund of the county, and the balance (88 per cent) goes into the municipal treasury.

Minnesota is largely license territory. The local option law allows the people in villages and in townships to vote on the saloon question. Under this law about 250 villages have voted out the saloon. The townships are very largely dry, there being little inducement to place a saloon in a rural district.

In 1891 an amendment to our constitution was adopted which prevented the legislature from granting charters to municipalities or amending the charter of any municipality by special law, and shortly after another amendment was adopted giving the people of municipalities the right to make and adopt their own charters. Prior to this all charters and amendments were made by the state legislature, and none of them contained a local option provision allowing the people to vote on the liquor question. Since then a number of our cities have adopted new charters of their own making, and several of them have incorporated a local option provision. There are eleven cities in this class, and seven of these have voted dry. We have seventy-one cities in the state.

Minnesota has made considerable progress in the enforcement of law during the last five years. Our liquor laws, while still being violated to a considerable extent, are becoming more generally enforced and respected. Our state law has provided that saloons should be closed on Sundays and after eleven o'clock on week nights for many years, but until three years ago the law was openly violated in all the large cities and in many of the smaller municipalities.

Our statute provides that any mayor who willfully or negligently refuses to enforce the liquor laws of this state shall be removed from office and pay a fine of from $100 to $500. This law had been in effect a number of years, but had not been invoked previous to six years ago. At that time it was tested in a case coming up from the city of St. Cloud. Mayor Robinson of that city refused openly to enforce the state law. Mr. Young,

then attorney-general, brought an action against him for malfeasance in office, and he was convicted. His term of office as mayor had expired before the decision was rendered, but he was obliged to pay a fine of $100.

This decision has been of great value in preventing the open violation of our liquor laws, as it is a much more simple matter to bring pressure on a mayor to force him to do his duty than it is to catch the individual lawbreaker. In Minneapolis, St. Paul and Duluth, and in practically all of our municipalities, the saloons are closed on Sunday and at eleven o'clock on week nights.

The above decision is based entirely on our statutes, and explains why we are able to enforce our Sunday closing law while Illinois and other states which have had to depend on jury trials of individual lawbreakers have been unable to do so.

Another decision of interest was rendered in the Hennepin County district court about three years ago. Judge Dickinson of that court held that under our statutes license in order to win in our local option elections in villages must have a majority of all the votes cast at the election, and not merely a majority of the votes cast on the license question. Attorney-General Simpson sustained this decision of the lower court, and several villages where the vote was close were held to be dry, even though the majority of votes cast on the license question were in favor of license.

In St. Louis Park just outside of Minneapolis the vote on the license question stood 151 for license, 143 against license. Ten voters had voted for village offices who had not voted on the license question. That made the total vote cast 304. License received only 151, which was not a majority of all the votes cast, and the village has remained dry.

Intoxicating liquor has played a very important part in debauching the Indians upon the White Earth reservation in this State, and has aided many unscrupulous men in getting possession of their property for a mere pittance. The recent congressional investigation brought to light the most startling frauds. The so-called Clapp amendment, passed by congress June 21, 1906, gave the Indians free title to their lands which a short time before had been allotted to them. This gave them the right to sell their lands and the valuable timber upon them, and the land sharks became very busy separating the Indians from their property. In the words of the investigating committee, the most persuasive arguments with the Indians were contained in jugs and bottles.

W. E. Johnson, who was special Indian agent of the United States government four years ago, was quite active in his endeavors at that time to relieve the Indians of this state from the evil influences of the saloon traffic. About sixty years ago, the Indians by several treaties ceded nearly all the northern part of this state to the United States

government. These treaties provided that the United States government should prevent the sale of intoxicating liquor in the ceded territory. This territory has been settled up with white people and the treaties were entirely forgotten. A great deal of liquor was being sold to the Indians on the reservations with most demoralizing effects, and Mr. Johnson began the work of enforcing the Indian treaties. He ordered the saloons closed in several places near the reservations. This was a new and abhorrent idea to the liquor men and they ignored the order completely. Mr. Johnson then made a raid in Mahnomen and destroyed all the liquor in the town. He and his men then submitted to arrest. They were held ten days in jail, but were acquitted in the federal court at Duluth.

Mr. Johnson's orders were not openly disobeyed after this, but illegal sales of liquor to Indians were continually being made, and the federal government gradually widened its prohibition zone until it had closed the saloons in four counties. Then Mr. Johnson ran against an adverse decision in the federal court, and the saloons quickly recovered the territory they had lost.

In the political field the temperance forces have been gradually gaining ground during the last six years. For years the brewery and saloon interests have held a dominating influence in the affairs of this state. The interests of this dominating business power have long been intrenched in our laws, because the brewers and the liquor sellers have always been able to exert a great influence upon our state legislatures and have been able to prevent any laws being put upon our statute books which would seriously injure the business in which they were engaged.

The temperance forces of this state have recognized that the great task before them is to put the saloon interests out of this dominating position which they have held for so many years, and wrest from them the control of the law-making machinery of this state. This means that men who will stand faithfully by temperance interests must be sent to out state legislature, and it means that enough of them must be sent to enact temperance laws and to control the organization and temperance committees in both branches.

The temperance forces have made very marked progress during the last four years in this battle which has been staged around our state legislature. The county option bill has been made the test of temperance strength. In 1909 this bill was defeated in the lower branch of our state legislature by 30 majority. The presiding officers of both branches of our state legislature were against temperance legislation. Of the 24 men who were on the temperance committees in both house and senate of the 1909 legislature, 17 of them stood by the saloon interests and only 7 favored the program for advanced temperance legislation, which the temperance forces of the state were pushing forward. The whole machinery of the govern-

ment of this state was under the complete domination and control of the liquor interests, and the temperance forces were in a hopeless minority.

A marked change has taken place during the last four years. In 1911 the county option bill was defeated in the lower branch by the reduced majority of 17, and in 1913 the vote on this bill was a tie. It lacked only two votes of passing in the lower branch of our state legislature.

The fight for the control of the committees and the organization has shown equal progress in lessening the influence of the brewery and saloon interests, and in strengthening the hands of the temperance people. While four years ago the temperance people had little power or influence in our state legislature, the legislature of 1913 has shown a very remarkable change in this respect. The presiding officer of the senate, Lieutenant Governor Burnquist and Speaker Rines of the house are both of them men who have consistent temperance records back of them. Both men have been members of the legislature for several sessions, and both have voted and worked for county option and other temperance legislation. Of the 24 men who are on the temperance committees of both house and senate of the present legislature, 15 favored the most advanced temperance legislation while only 9 lined up with the opposition.

At this last session, the fourth class city local option bill became a law. This gives all cities of 10,000 population and less the right of local option. About 40 of these cities were affected by this law, and many of them will vote out the saloons as soon as the law gets into operation.

At the last session, the initiative and referendum law was passed and will be presented to the voters of the state for ratification in November, 1914. Another statute was enacted which provides that all candidates for office in this state, except state officers and congressmen, shall be elected on a non-partisan ballot. This of course includes members of the legislature. I believe this is the most sweeping non-partisan statute that has ever been enacted by any state in the nation.

These two laws (assuming that the initiative and referendum will be ratified by the voters) will make a radical difference in the methods of campaign as it is now being carried on by both sides, but the temperance people feel confident that the same steady gain that has characterized the movement for the last five years can be maintained, and that in the very near future laws will be placed upon the statute books of this state which will give the voters a larger power at the ballot box over the saloon business. This means (when the character of our population is taken into consideration) that the saloon interests will be severely pressed, that many saloons will be voted out of business, and much dry territory will be created in this state.

A. H. Clarke.[1]

[1] Assistant superintendent of Minnesota Anti-Saloon League.

# NOTES AND EVENTS

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## I. GOVERNMENT AND ADMINISTRATION

**Charter Developments.**—*The Houston Amendments.* Taking advantage of the recently adopted constitutional home rule provisions, Houston radically amended its charter on October 15 in thirty-seven of its sections. The original charter, among those of the commission government type, was something of a "sport," as the biologists would say, in that it lodged an enormous amount of authority in the mayor. This included the power to assign the other members of the commission to different departments, the veto power, and the right to vote on the question of sustaining his own veto.

As a result of one amendment, the mayor will have no power to make the assignments, since the commissioners hereafter are to be elected to specific departments, but his veto power, apparently, is intact. Incidentally, his salary is increased from $4000 to $7500, but the amendment increasing the salaries of the other commissioners from $2400 to $3600 was lost.

The people of Houston displayed their short ballot sense by rejecting an amendment making the board of education an elective body. Preferential primaries (which in Texas are said to be equivalent to general elections) are provided for. The power of the city to purchase and operate public utilities is broadened. Hereafter, too, there is to be a civil service commission, and the electors are to enjoy the privileges of the initiative, referendum and recall. The comptroller is to be an elective officer.

*The Galveston Amendments.* Galveston on September 30 amended its charter, but not in any radical respect. The subject matter of some of the amendments, (and this is characteristic of Texas charters generally) strikingly illustrates the need for a standard test by which a great mass of detail will be eliminated from the basic law of the city and put into an administrative code, which will be amendable by the governing body of the city. Were such a distinction recognized we should not have a charter amendment "adding section 35 granting the city commissioners power to control and regulate use of streets and prevent heavy traffic on certain streets, such as Broadway, etc.," or "amending section 20a, fixing the salaries of firemen, also captain engineers and firemen employed on new fire boat," or "adding section 62aa extending saloon limits so as to authorize the location of barrooms east of Sixth Street and south of Avenue H."

Perhaps this is the way the people of Galveston make up for the lack of the initiative and referendum. But it would be more in keeping with the spirit of commission government if the people's representatives were given a little more credit for common business judgment and political sagacity.

*Charter Proposals in Dallas.* City supervision of construction, as well as operation of public utilities and compulsory profit sharing by the municipality, are some of the most radical provisions adopted by the charter committee of

Thirty in Dallas, Texas, which has asked that the proposed franchise amendments to the charter be submitted to a vote of the people not later than January 6.

The proposed amendments provide, in effect:

Franchises, whether determinate or indeterminate, not to run for more than twenty years.

Require all indeterminate franchises to be submitted to a vote of the people.

Eliminate the present 4 per cent gross tax, and provide that the city may take a part of the net or gross revenues, or both, of any corporation to which a franchise is issued, and may require additional payments as well.

Authorize the city to compel extensions of public service corporations.

Require the city to stipulate in franchises the things expected of the particular public service corporation.

Provide for a department of public utilities.

Give the city supervision of the construction and equipment of public utilities.

Require "adequate" instead of "reasonable" street car service.

Permit the consolidating of the Dallas street railway companies.

The section of the committee report prohibiting any city railway company from selling light or power to the people was rejected.

In limiting all franchises to twenty years the proposed charter specifies that in votes on them at least 25 per cent of the electorate must be registered in their favor.

*Chicago Awakening.* A suggestion from Col. Milton J. Foreman, whose resolution in the Chicago council created the charter convention of 1905, has started agitation for a new charter.

In a letter on October 4, addressed to the Chicago Association of Commerce, Colonel Foreman points out that since the present charter was adopted, the commission form of government and the city manager idea have come to the fore, and should be taken into consideration. Mr. Howard Elting, president of the association, is reported as favorable to the idea of inviting all the leading civic associations of Chicago to appoint representatives to a joint charter revision conference. The local affairs which seem to demand particular attention include the management of parks, boulevards, streets, alleys and public places, water and sewerage systems within the city's limits and the regulation thereof. Legislation is desired "whereby the multiplication of taxing bodies may be done away with and the separate, cumbersome, expensive machinery for the administration of local affairs be consolidated in the interest of economy and efficiency."

*Rejections of Commission Plan.* The past few months have witnessed the rejection of the commission plan in a considerable number of cities. Minneapolis which was the largest of these took the fateful step after months of deliberation had been spent upon the drafting of the charter and numerous experts consulted (vol ii, p. 675). Rahway, N. J. rejected the "Walsh" act for a second time in two years. Springfield, Mo., rejected the new law on the same day that Joplin adopted it. Charter revision also failed in Meriden, Conn. and Athens, Ga.

*The City Manager Plan.* Since the last issue of the NATIONAL MUNICIPAL REVIEW, the city manager plan has been adopted in La Grande, Ore. (October 1) and Phoenix, Ariz. (October 11) and Morris, Minn. and rejected in Waycross, Ga. (October 14), and Little Falls, Minn. (October 28).

The total list of the cities under this form, with their populations is now as follows: Sumter, S. C., 8109; Hickory, N. C., 3716; Morganton, N. C., 2712; Dayton, O., 116,577; Springfield, O., 46,921; La Grande, Ore., 4,843; Phoenix, Ariz., 11,134; Morris, Minn., 1685; Amarillo, Tex., 9957; Cadillac, Mich., 8675. Among the cities which have the short ballot and a city manager under an ordinance are River Forest, Ill., and Abilene, Kan.

The La Grande charter calls for a commission of three members, who are

to receive as compensation, five dollars per meeting. The city manager, who is to receive a salary of not over $3600 is to have "absolute control and supervision over all officers and employees of the city except the Municipal Judge and the Commissioners." He has the power of appointment and removal and must "see that the business affairs of the municipal corporation are transacted in a modern, scientific and businesslike manner, and that the services performed and the records kept shall be as near as may be like those of an efficient and successful private corporation."

The Phoenix charter fixes the salary of the city manager at $5000 and, owing to a provision in the state constitution, he must, at the time of his appointment, be a resident of Phoenix. He is to be removable for "cause."

On November 4 the Citizens Committee ticket was elected in Dayton and a commission composed in the main of men who had been members of the charter making body was elected in Springfield. These facts give assurance that the spirit of the plan as well as the letter will be carried out in both places. The newly elected city manager of Dayton is Mr. H. M. Waite, city engineer of Cincinnati. His salary is to be $12,500. Colonel Goethals refused the city managership, which was offered to him with a salary of $25,000 a year.

The National Short Ballot Organization has just published a pamphlet which will also be reprinted in full in Beard's *Loose-Leaf Digest of Short Ballot Charters*. This contains the text of all the city manager charters to date, so far as they bear upon the structure of the government; an article by the executive secretary on the history of the plan; an article on its theory by the secretary, reprinted from the NATIONAL MUNICIPAL REVIEW; an article on the application to it of proportional representation by Mr. C. G. Hoag, secretary of the American Proportional Representation Society and the leading authority in this country on this subject.

Single copies of this pamphlet may be had upon application to the office of the organization, 383 Fourth Avenue, New York City.

*Commission Government in 1913.* During the year 1913, up to December 17, the cities in the list given below had adopted one or another of the short ballot plans of city government:

Arizona: Phoenix.
Arkansas: Fort Smith.
California: Pasadena.
Colorado: Colorado City, Denver, Fort Collins.
Florida: Pensacola, St. Petersburg, Orlando.
Illinois: Marseilles, Cairo, Harrisburg, Murphysboro.
Iowa: Ottumwa, Mason City.
Kansas: Great Bend, Garden City, Garnett, Hiawatha, Ottawa, Lawrence.
Kentucky: Paducah.
Louisiana: Donaldsville, Jennings, Baton Rouge.
Michigan: Traverse City, Battle Creek, Saginaw, Cadillac, Monroe, Owosso.
Minnesota: Duluth, Eveleth, Morris.
Missouri: Joplin.
New Jersey: Millville, Vineland, Beverly, Bordentown, Jersey City, Haddonfield, Phillipsburg.
New Mexico: Las Vegas.
New York: Beacon.
North Carolina: Hickory, Raleigh, Morganton.
North Dakota: Williston, Fargo.
Ohio: Dayton, Middletown, Springfield.
Oregon: Portland, La Grande.
Pennsylvania: Allentown, Altoona, Beaver Falls, Bradford, Carbondale, Chester, Connellsville, Corry, Easton, Erie, Franklin, Harrisburg, Hazleton, Johnstown, Lebanon, Lock Haven, McKeesport, Meadville, New Castle. Oil City, Pittston, Pottsville, S. Bethlehem, Reading, Titusville, Wilkes-Barre, Williamsport, York.
South Carolina: Spartanburg, Orangeburg.
South Dakota: Watertown.
Tennessee: Lebanon, Springfield, Bristol, Nashville.
Texas: Terrell.
West Virginia: Grafton, Fairmont.
Wisconsin: Ashland, Ladysmith.
Wyoming: Cheyenne.

*A Notable Decision.* Flaying political bosses and their domination, Judge R. M. Wanamaker of the Ohio supreme court in his written opinion in the Cleve-

land charter case, on October 19, points to home rule for cities as their ultimate salvation.

Judge Wanamaker says:

Home rule for cities and villages existed in Ohio before we had a state and existed in America before we had a nation.

Every municipality was a law unto itself until after the constitution of 1851, when the legislature assumed and usurped full and complete authority in governmental powers over municipalities, and that, too, without any sanction or grant express or implied in said constitution.

This assumption of power, this usurpation of authority was sanctioned by our courts by holding that municipalities have only such power as is expressly conferred upon them by the state legislature or such powers as are necessarily implied to carry such express powers into effect.

This was not only judge-made law, but was judge-made constitution, without either authority or common sense, common law, or constitution.

This resulted in government of cities by the general assembly and the general assembly was generally governed by the party boss or machine with its allies of special privilege and public franchise interests. By ripper and special legislation they could exploit the cities at their own pleasure, the local bosses in league with the state bosses, holding the citizens and taxpayers of the city at their mercy.

To get rid of the state political bosses at Columbus who controlled the legislature, to get rid of the city party bosses at home, the citizenship long demanded the right of non-partisan nomination, election, and public service at their own city governments.

Pointing out that the people, after a hard fight, won non-partisan election of judges, members of school boards, delegates to constitutional conventions and charter commissioners. Judge Wanamaker continues:

Now they wanted to nominate and elect their own municipal officers, with reference to their personal fitness, their business qualifications, their experience in the public service, equipping them for the respective municipal offices.

Accordingly the people demanded of the constitutional convention (1) emancipation from legislative domination and dependence; (2) emancipation from state and party bosses; (3) non-partisanship in all purely municipal matters.

That is what they asked for and that is what the constitutional convention evidently tried to give them.

Shall they now be deprived of this long-struggled-for freedom from blind and corrupt partisanship by the judgment of this court?

Boiled down, what possible interest could the state have in the method by which the city should nominate and elect its own officers, officers that have nothing to do with anything but purely municipal affairs? Who, outside the city could have any interest in or objection to such a plan but the political boss and his allies?

Party labels and party emblems had become ridiculous in local affairs and the people had grown tired of voting for mere party birds, whether eagles or roosters, and they wanted the chance to vote their beliefs by voting for candidates solely for personal fitness for local reason and condition, with a view of getting the most equitable, economic and efficient public service.

It is high time to construe our constitutions in the interests of a people's government instead of a party government. It is time that the declaration: "All political power is inherent in the people," be made good. It is time that the constitution be interpreted to shield the people's power and the people's property rather than to exploit them for the benefit of the political boss and the party machine. The people of a city cannot get real efficiency in the public business until they get real emancipation from the party boss.

*Proposed Changes in New Jersey Law.* Governor Fielder in October appointed a committee composed of the corporation counsels of the cities under the commission government law to suggest changes in the "Walsh" act. This committee met for the first time early in November. Its recommendations will hardly please the friends of the Initiative, Referendum, and Recall if the following suggested by one of its members are indicative of the majority opinion:

That petitions for the recall of city commissioners should contain the names of at least 35 per cent of the legal voters, instead of 15 per cent, as required at present.

That the supreme court justices supervise the sufficiency of a petition for a recall before it is filed with the city clerk and that a commissioner proposed to be recalled have at least ten days' notice before the petition is presented to the Justice.

That affidavits accompany each signature to the recall petition.

That a deposit be made with the city authorities by the persons interested in the recall and retained by the city unless the recall is successful.

That separate petitions be provided when more than one commissioner is to be removed.

*Commission Form for Philadelphia.* A commission form of government for Philadelphia, to replace the present city and county offices, was suggested by City Solicitor Ryan in an address on November 13.

Mr. Ryan suggested a commission, to be substituted for the mayor and councils, and to be composed of fifteen members, five to be elected every two years on a non-partisan ballot and each to serve for six years. The president of this commission would act as mayor.

The commission form of government suggested by Mr. Ryan differs from other forms in that it includes the county departments under the commission's rule.

H. S. Gilbertson.[1]

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**Cleveland Charter Case.**—The supreme court of Ohio has handed down its opinion on the Cleveland charter case. The new city charter, which goes into operation on January 1, eliminates the party primary, provides for nomination by petitions, and for the preferential system of voting. This is contrary to the provisions of the state law, which requires a partisan primary and the straight party ballot in municipal elections. The secretary of state instructed the local election authorities to hold the election under the state law. The city solicitor of Cleveland sought a mandamus to prevent the election authorities from spending any of the city's funds in holding a primary election, on the ground that it was contrary to the provisions of the new city charter.

The city's contention was sustained by the common pleas court and it went to the supreme court, which not only sustained it, but, in the majority opinion, sustained the whole principle of municipal home rule as incorporated in the recent constitutional amendment. The court says:

> The method of electing municipal officers would seem to be a matter peculiarly belonging to the municipality itself. The very idea of local self government, the generating spirit which caused the adoption of what was called the home rule amendment to the constitution was the desire of the people to confer upon the cities of the state the authority to exercise this and kindred powers without any outside interference.

The court then discusses the limitations fixed in the constitutional amendment itself and says:

> The inclusion of these limitations in Article 18 is a conclusive indication that the convention which framed it was conscious of the wide scope of the powers which they were conferring upon the cities of the state, with reference to their local self government. Not alone this, but in connection with the comprehensive grant they disclosed the intention to confer upon municipalities all other powers of local self government which are not included in the limitations specified.

The court further says:

> The provision of the charter which is passed within the limitations of the constitutional grant of authority to the city is as much the law as a statute passed by the general assembly.

The framers of the home rule amendment are entirely satisfied with the decision of the court and they claim that the opinion could not have been made more satisfactory to them. It sustains

[1] Executive Secretary, National Short Ballot Organization.

every point for which the advocates of home rule contended during the constitutional convention and during the campaign for the adoption of the home rule amendment. The election provisions were considered the most critical test which the charter could have had, and the cities of Ohio can now proceed to pass charters for their own local self-government, feeling assured that the intention of the home rule amendment will be sustained by the highest courts.

MAYO FESLER.[1]

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**Colorado Springs.**—At the election held April 1, 1913, Colorado Springs adopted an amendment to its charter abolishing the second election system for electing the city commissioners, and substituted therefor the preferential system of voting. The commissioners are elected directly to their respective departments. At the same election the city adoped an initiated ordinance providing for one day of rest in seven for municipal employees. This step on behalf of a city represents some of the concrete results of the national agitation for a day of rest. The city attorney has, however, held that the ordinance does not apply to the police department of the city.

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**Denver's Commission Valid.**—On November 3, 1913, the supreme court of Colorado handed down a decision far reaching in its effect upon home rule in the state. In February Denver held a special election primarily for the purpose of voting upon the question as to whether commission government should be adopted in the city.[2]

An initiated charter amendment, contained amendments to the existing home rule charter establishing commission government at once, was adopted by an overwhelming majority. When the newly-elected commission assumed office, certain of the older officials refused to surrender their offices on the grounds that the charter amendment had been illegally adopted. The lower court overruled their contention, and now the supreme court by a vote of five to two has sustained the lower court.

The majority opinion held that the word "amendment" in the state constitution is "unlimited and unqualified," and that cities operating under the home rule section of the constitution may change their forms of government without recourse to a charter convention "as long as the proposed amendments are germane to municipal government." The court indicates that a new charter would be "an instrument complete in itself," and then shows that in the present case the amendments fall far short of such a complete document, since more than three hundred sections of the old charter are retained.

The dissenting opinion held that the amendments established fundamental changes in the organic laws of the city—that they, in fact, created a new charter, "a government as radically different as a kingdom is from a republic;" and that to secure such a new charter, the people of a city must act through a charter convention and not through the initiative and referendum.

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**Pueblo's Interesting Recall Election**—Two interesting developments took place at the election in Pueblo (population, 44,000), on November 4. The people then voted to reduce the number of city commissioners from five to three, and to raise municipal revenues hereafter under the single tax system.

Three amendments were initiated to reduce the commission from five to three; one provided for immediate reduction, one for reduction on January 1, 1916, and the third for immediate reduction and the recall of two of the hold-over members. The first amendment lost by a small vote; the second was defeated by a very large vote; and the third carried

[1] Secretary, Civic League of Cleveland.

[2] See NATIONAL MUNICIPAL REVIEW, vol.ii, p.287.

by a majority of 1168. The result shows that there was a strong sentiment for immediate reduction and that the people preferred to secure the reduction through the recall of two of the hold-over members rather than to allow the two expired terms for which the election was held go unfilled.

The measure by which the result was accomplished deserves some mention. The first two propositions were framed in quite lengthy amendments, prescribing in detail the new city organization. The amendment which was adopted is stated in the following curious legislative style:

PETITION FOR REDUCTION OF COMMISSIONERS OF PUEBLO TO THREE AND RELIEVING THOMAS D. DONNELLY AND CHARLES A. LANNON FROM SERVICE:

That the elective officers under the charter shall be three commissioners and three members of a civil service commission, all of whom shall be nominated and elected as now provided by charter.

That the terms of office of Thomas D. Donnelly and Charles A. Lannon as commissioners of said city shall terminate immediately upon the adoption of this amendment, and that in Nov. 1915, and every four years thereafter only one commissioner shall be elected instead of three as at present provided by charter.

The above is the exact wording of the amendment. The charter gives the commission power to make adjustments between departments, and, therefore no gap has been left in charter power.

Speculation was rife at once as to the validity of the amendment and the course that would be pursued by the recalled commissioners. So far as the latter are concerned they have responded nobly and have cleared the way for unobstructed action by resigning at once. Their resignations have been accepted by the commission. The question is, however, already before the supreme court in a case involving the validity of placing the particular amendment upon the ballot. The contention is made that this particular manner of recall is not provided for in the charter. Surely it is a peculiar form of recall.

WILLIAM BETHKE.[1]

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**State Law vs. City Charter.**—A curious situation exists in some of the Oklahoma counties containing cities of the first class in the matter of fixing the tax levy. The legal department of Muskogee is preparing to have the atmosphere cleared by a test case. The state law establishes an excise board for the county made up of certain county officers and requires that a municipality submit a budget to them to be passed on and that the levy for the year be fixed by this board. The Muskogee charter requires that the council by ordinance make the levy of taxes for city purposes. Under the prevailing fashion of increasing "home rule," questions of this sort usually come up from the municipality's claiming new powers, but in this instance it seems the city is trying to preserve a power it formerly exercised from what it considers unwarranted encroachment. The test case should prove interesting.

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**Wyoming** passed an act permitting cities which had been acting under special charters to come under the general law.

[1] Instructor in economics, University of Colorado.

## II. FUNCTIONS[1]

**Civil Service Notes.**—*Waterbury, Conn.*, on October 7 refused to adopt the civil service law by a vote of 2649 to 1887. The referendum, which had the support of the Connecticut Civil Service Reform Association, was opposed by the Democratic newspapers. The opposition which probably counted most strongly was the fact that the principal city departments, such as safety and public health, are governed by a commission of five men. It was not certain that the provision of the civil service law allowing the exemption from competition of administrative officers responsible for the policy of a department would apply to a commission whose function was that of a head of a department. For this reason the Democrats fought the referendum.

*Omaha, Neb.* A commission charter containing rather weak civil service provisions was recently approved by the charter convention. The charter, which will probably be presented to the people for adoption in February, provides for an elective council of seven members, the president of which shall be mayor. The latter is authorized to appoint a civil service commission of three members, who serve for overlapping terms of six years each. The members of the commission are subject to removal after a hearing by a two-thirds vote of the council. The charter apparently makes no provision for a division of the service into the classified and unclassified. The removal provisions allow the chief of police or the chief of the fire department or any "other officer, superintendent or foreman in charge of the work performed by classified service employees" peremptorily to suspend or discharge any subordinate for neglect of duty. Such suspension or discharge shall be reported to the head of the department, who may either affirm or revoke the action of his subordinate. The action of the head of a department shall be final "unless such employee shall within five days of such ruling appeal" to the civil service commission, which may order the reinstatement of the employee.

*New York City.* Mayor-elect John Purroy Mitchel and the majority of his associates on the board of estimate and apportionment are pledged to uphold the merit system. The civil service plank in the Fusion platform favors the "appointment and retention of city employees only upon basis of merit and the highest obtainable standard of efficiency in service, abolishing all useless positions." Mr. Mitchel, who will have the appointment of the three members of the civil service commission, in expressing his attitude toward the competitive system in a letter to the civil service reform association, stated that

> In few matters is the method of administration so important as in the case of the civil service laws and it is essential that the making and enforcement of rules should be in the hands of fair-minded, intelligent, resolute and trustworthy civil service commissioners.

Believing in the duty and wisdom of

[1] The information upon which the reviews of legislation in this issue and in the October issue are based was obtained from the following persons: California, R. S. Gray, San Francisco; Connecticut, George S. Godard, State Library, Hartford; Illinois, Victor J. West, Progressive Service Board, Chicago, now of Leland Stanford University; Ohio. Charles W. Reeder, State University Library, Columbus; Pennsylvania, James N. Moore, Legislative Reference Bureau, Harrisburg; Rhode Island, Grace Sherwood, State Library, Providence; New Hampshire, E. L. Page, Concord; New York, Clarence B. Lester, Legislative Reference Department, Madison, Wisconsin formerly Legislative Reference Department, New York State Library; Wisconsin, Leo Tiefenthaler, Municipal Reference Department, Milwaukee; South Dakota, Ida M. Anding, Legislative Reference, Pierre; North Dakota, I. A. Acker, Legislative Reference Department, Bismark; Montana, Mary F. Sheriff, Legislative Reference Department, Helena; Washington, Herman Brauer, University of Washington, Seattle; Colorado, William Bethke, University of Colorado, Boulder; Texas, Thomas Finty, Dallas News, Dallas; Wyoming, Grace Raymond Hebard, University of Wyoming, Laramie; Kansas, C. A. Dykstra, University of Kansas, Lawrence; Delaware, Irving Warner, Wilmington.

The editor acknowledges with thanks their contributions.

adhering to the spirit and letter of the civil service law, I shall not countenance the weakening of the merit system by special legislation, appointment of weak commissioners, or manipulation of the rules or classification.

*Cincinnati.* While it is too early to predict the effect which the defeat of Mayor Hunt will have on the administration of the civil service law it is none too soon to give due recognition to the work of the civil service commission, whose president, Charles B. Wilby, did so much to place the public service on a merit basis. The civil service law became operative in 1910. Prior to the inauguration of Mayor Hunt in January, 1912, the main purpose of the commission was to make the civil service law mean as little as possible. It was unusually successful in carrying out this policy, as no examinations were held during the first eighteen months of its administration. Only 330 positions were classified, and at the time of Mayor Hunt's election the administration of the law was of a farcical nature. Returning from the Richmond meeting of the National Municipal League, Mayor Hunt announced that he intended to install and uphold a genuine competitive system, and appointed Messrs. Wilby, Fenton Lawson and G. W. Armstrong, Jr. The new commission, among other things, immediately prepared and adopted new rules, which provided for a thorough-going reclassification of the service. In eleven months some 1600 positions outside of the police and fire departments were classified, as compared with 330 under the old administration. In holding examinations of a practical nature, the commission asked and secured the aid of public-spirited citizens having special training and expert knowledge in the different fields of municipal activity covered by the service. The work of the Hunt Commission made the merit system respected throughout the length and breadth of the city. Whether the defeat of Mayor Hunt means the letting down of the bars erected by Commissioner Wilby and his colleagues largely rests with the Mayor-elect, Judge Spiegel.

GEORGE T. KEYES.[1]

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**Municipal Utilities.**—*Two Epochs of Rate Regulation.* William J. Norton, M.E., secretary of the rate research committee of the National Electric Light Association, and formerly the first assistant secretary of the public service commission for the first district of New York, read a paper at the convention of the Michigan section of the National Electric Light Association in which he pointed out that there must be two periods in rate regulation: a preparatory period of "from ten to twenty years" in which public service commissions should assist the companies to make the needed adjustments, and "a second or final period of regulation in which pure theory may be applied without harm either to the public or the companies."

Since "rates, within reasonable limits seem to have so little to do with the gross or net income of an electrical company, i.e., judicial rate reductions so surely lead to increased business," Mr. Norton is more than surprised that more companies do not try the experiment of regularly making small reductions at various points in the schedule the minute that the statement shows any available margin. "A lower rate that gives an equal return," even if upon a slightly larger investment places the company in a "practically impregnable" position, "whereas the company with a high rate is subject to constant attack and the expense of defending its position." He suggests that perhaps "the real element of success which has offset" the "notorious inefficiency of operation" by municipal plants has been their "policy of low rates in order to get the money to build their plants." Electrical companies should establish such truths themselves and lower their rates before com-

[1] Assistant Secretary, National Civil Science Reform League.

pulsory action is begun by public service commissions. "After all there is nothing in public service regulation," concludes Mr. Norton, "which the company itself cannot accomplish, and it is a very poor policy indeed for a company to wait until the public or a commission forces it to do things which it should have done on its own initiative." He feels that "there is one point, however, where a commission can be of great assistance to the companies and that is in overcoming the existing unfair prejudice against utility corporations."

*Valuation and Franchise for the Street Railway Lines of Kansas City.* On June 6, 1912, Bion J. Arnold, of Chicago, for the receivers, and L. R. Ash, for the city, were made special commissioners by the federal district court to report upon a fair valuation of the Metropolitan Street Railway system of Kansas City. Their reports were made public in February of this year. Mr. Arnold concludes that a "fair and reasonable sum to represent the capital value" of the system is $35,000,000; of the Westport Company $1,700,000, a total of $36,700,000. This valuation is arrived at after taking into consideration: (1) the actual cash investments in the property; (2) the cost of reproduction less depreciation; (3) valuation based on deferred earnings upon the actual investment; (4) a fair market value.

These various valuations he summarized as follows:

1. Actual cash investment in the property:

| | |
|---|---|
| Investment in the present property | $25,214,870.67 |
| Investment in superseded property | 9,083,190.48 |
| Total investment | $34,298,061.15 |

2. (*a*) Value as determined from the present value of the physical property alone and the intangible value on the basis of a protected investment:

| | |
|---|---|
| Cost to reproduce physical property new | $27,327,549.00 |
| Less depreciation | 5,792,513.77 |
| Present value of physical property alone | 21,535,034.23 |
| Intangible values | 13,491,541.27 |
| Total value | $35,026,575.50 |

2. (*b*) Value as determined from the present value of the physical property and the intangible values on the basis of an unprotected investment.

| | |
|---|---|
| Cost to reproduce new | $28,643,733.02 |
| Less depreciation | 5,958,015.19 |
| Present value of physical property | 22,685,717.83 |
| Net intangible value | 12,951,284.82 |
| Total present value | $35,637,002.65 |

3. Investment in property determined on premise that company is entitled to fair return on capital actually invested:

(*a*) Capital value obtained by adding to total investment the accrued deficit in operation below a fixed return, superseded property being retained in capitalization, using 6% and 7% as assumed fair rate of return:

| | 6% | 7% |
|---|---|---|
| Total investment | $34,298,061.15 | $34,298,061.15 |
| Accrued loss | 2,742,251.54 | 9,903,865.90 |
| Total capital value | $37,040,312.69 | $44,201,927.05 |

(*b*) Capital value obtained by adding to net investment the accrued deficit in operation below a fixed return—the superseded property being charged to operation in the year in which it was removed, assuming 6% and 7% rates of return:

| | 6% | 7% |
|---|---|---|
| Total investment | $25,214,870.67 | $25,214,870.67 |
| Accrued loss | 10,829,343.47 | 18,573,637.20 |
| Total capital value | $36,044,214.14 | $43,788,507.87 |

4. It has been said that a reasonable fair market value is that sum at which a fair buyer would buy and a fair owner sell, both being willing to deal at a fair price. So testing and considering the question in the light of one's experience in and judgment of like properties in the large communities of the country, and taking into consideration the above mentioned elements as well as the entire situation and surrounding conditions, the fair and reasonable market value of the properties is in the judgment of your commissioner not less than the sums hereinabove given.

Mr. Ash's results were very different. For instance, he did not allow anything for the "intangible values" estimated by Mr. Arnold at around $13,000,000.

After these reports were filed three propositions were submitted to the court two offered by the receivers which Mayor Jost rejected, and one offered by the mayor which was not acceptable to the owners of the street railway. The three proposals were as follows:

By the receivers: (1) A valuation of $35,000,000, 6 per cent on that to the stockholders and all surplus to amortization of the property; (2) A valuation of

$30,000,000, 6 per cent return to the stock holders, the surplus to be divided 25 per cent to the stockholders and 75 per cent to liquidate the property's debts and make it free to the city, in other words, to amortize.

By the mayor—A valuation of $30,000,000 and 6 per cent return to stockholders until all of the surplus each year has reduced the capital value to the actual physical value, when the city shall take over the plant and thereafter pay the stockholders one third of the surplus, the other two thirds to pay off the remaining value of the property.

On June 25 the court approved the mayor's plan. A franchise is now under consideration providing for a metropolitan board of control consisting of one member appointed by the city, one by the company, and a third by agreement or, failing in that, by apportionment by the state public service commission, and looking ultimately toward municipal ownership and operation.

*Municipal Ownership in California through Public Utility Districts.* A suggestive movement for municipal ownership has arisen in Alameda and Contra Costa counties, as a result of the embarrassed condition of the Oakland Terminal Railways, controlled by the United Properties Company, a $200,000,000 corporation. This corporation exercises control by owning most of the common stock, which is entirely worthless, and enough of the preferred to give it the majority of the stock. As a result of financial embarrassments centering about the famous F. M. Smith, this company can get no money with which to finance its lines.

Two alternatives are offered. One is for the present owners of the road, that is, the bond holders, to raise enough money themselves to keep the lines going. If they cannot do this, they must sell. Selling to the Southern Pacific would mean the absolute monopoly of all transportation facilities. Selling to eastern or European capitalists would mean a repetition of that absentee ownership which has worked so disastrously in San Francisco and other cities throughout the United States.

Of as deep significance as the movement for municipal ownership itself is the machinery under which municipal ownership can be accomplished. Statutory provisions for public utility districts are rare in this country, but happily California has already at hand a statute whereby boroughs, cities, towns and counties may coöperate in order

to acquire, construct, own, operate, control or use within or without, or partly within and partly without the district, works for supplying the inhabitants of said district with light, water, power, heat transportation, telephone service or other means of communication, or for the disposition of garbage, sewage, storm water or refuse matter, or parks, and to do all things necessary or convenient to the full exercise of the powers herein granted.

The district also has power to borrow money and issue bonds up to 15 per cent of the assessed valuation of the property within the district, to lay and collect taxes and to make contracts.

A district is formed upon the initiative of the council of any city; and it may consist of either incorporated or unincorporated territory, combined or separately, although no municipality may be divided in the formation of a district. The council of any city may pass an ordinance calling for the organization of a public utility district. This ordinance is then despatched to the councils of the other cities to be included in the district and, if unincorporated territory is to be included, to the board of supervisors of the county in which such territory is situated. These bodies must approve or disapprove the ordinance within forty days of its receipt. If the ordinance is disapproved by some one of the legislative bodies within the district a new ordinance leaving out such municipality or portion of a county is adopted by the initiating municipality and new proceedings commenced. When all approve the city initiating the proceedings

fixes a date for an election. The district is formed if a majority of the votes cast in each city and piece of unincorporated territory are in favor thereof. Any city may advance funds for another city to help organize a district.

The management of the district is entrusted in the first instance to a board of directors composed as follows: (1) the mayor or president of the board of trustees or other governing body of each city and the chairman of the board of supervisors of the county if unincorporated territory is included; (2) a member of the city council or other person selected by the council from each city having at least 5000 registered voters; (3) an additional member of the council or other person for each additional 10,000 voters. In the utility district under consideration in California, this board of directors will include: the mayor and one other member from Alameda and Richmond; the mayors of Albany, Emeryville, Haywards, Piedmont and San Leandro; the mayor and two others from Berkeley; the mayor and four others from Oakland, and the chairmen of the boards of supervisors in Alameda and Contra Costa counties. This gives a board of nineteen men, so composed as to give at once both permanency of policy and popular control.

The direct control of the utility district in question is under three commissioners appointed by this board of directors. These commissioners have full power to make contracts, and have full executive control of the utility thus authorized. The directors receive no salary. The three commissioners receive such salaries as are fixed by the board of directors. The commissioners fix the charges for the service rendered. Any commissioner may be recalled by filing a petition signed by 15 per cent of the entire vote cast within the district for all candidates for governor at the last election. The directors are subject to the recall under the general laws of the state.

This offers a splendid example of avenues and agencies through which incorporated and unincorporated territories throughout the United States may unite in order to provide for their own public utilities. The leaders in this movement have been especially Prof. Thomas H. Reed, of the University of California; Mayor Charles D. Heywood, of Berkeley, and Mayor Mott, of Oakland.

*The Lighting Situation in Chicago.* The city utilizes three main forms of lighting: electric arc and incandescent, gas mantle, and gasoline mantle units. In a general way the city has been laid out as composed of (a) important business sections, (b) residential districts, some of which are shaded, and (c) the sparsely settled outlying regions. For business streets and residential streets adapted to such lighting, or included in circuit districts already partly electrically lighted, long-burning, alternating current, flame arc lamps have been adopted. For certain shaded residential districts, tungsten incandescent lamps are installed. Gas lamps of the inverted mantle type are used in the other developed residential neighborhoods, while the gasoline lamps are being restricted to sparsely settled sections until such time as it is possible to put in gas or electricity. Alleys are not commonly lighted within themselves, but lamps are so located upon the street-alley corners as to illuminate the alleys.

Chicago is primarily an electric lighted city. In connection with its drainage system it has a 25,000 k.w. power plant. This is operated by another municipality known as the sanitary district. Under contract with the city, it is now delivering from 8000 to 10,000 k.w. for the street lights at a cost of approximately 0.5 cent per k.w. hour. It is commonly reported that experience has shown that this charge is too low and next year the price will be about 0.59 to 0.60 cent per k.w. hour. Owing to restrictions put by the United States government upon the amount of water which may be drawn from the lake through the drainage canal, the full capacity of the power plant cannot be utilized, but it is

hoped that this restriction may later be removed. Meantime, a commerial company offers current at ⅞ cent per k.w. hour. With such very cheap electricity, Chicago uses primarily electric lights.

The high candle power flame arcs are placed to number 23 per mile of street, one at each street intersection and at each alley. In the business districts, the wires are underground, and the lamps are suspended from iron posts 23 feet from the pavement. In outlying sections overhead wiring is used and lamps are placed about 21 feet high. These lamps are provided with a large acorn-shaped globe of alba glass, which diffuses the light flux, thus removing the serious disadvantages of the very high brilliancy of the arc, so that moderate height suspension is possible without serious disturbance to vision.

The tungsten installation consists of an 80 watt lamp placed in a diffusion globe, mounted on top of a post, at a height of 10 feet. The posts are erected on the basis of 75 per mile of street, staggered on each side of the street. The wiring is underground. This system is well liked on shaded residential streets.

Both forms of electric lighting are open to the objection of the dangerous voltage carried, and to the usual outage of all the lights in a considerable section when trouble occurs on the circuit. The whole system from generating station to the lamps is owned and operated by the public. When the scheme is fulfilled, 48,000 flaming arc lamps will be lighting the streets of Chicago.

*Cost of electric lighting per lamp per year*

| STYLE | POWER | MAINTENANCE | INSTALLATION COST | CAPITAL CHARGES | TOTAL ANNUAL COST |
|---|---|---|---|---|---|
| Flame arc, overhead wires ..... | $11.00 | $29.91 | $162.75 | $14.67 | $54.58 |
| Flame arc, underground wires ... | 11.00 | 29.91 | 383.25 | 32.84 | 72.75 |
| Tungsten, underground wires ... | 2.11 | 11.25 | 106.14 | 10.9 | 124.27 |

Gas lamps to the number of 12,000 of the single inverted mantle type, in boulevard heads, are in use in residential districts. For a number of years preceding 1913, the city had owned and operated the gas lamps, purchasing gas at the usual flat rate from the gas company. Part of the original flat flame burners had been changed over to upright mantle burners. Because of the prospects of ample and cheap electric current from the sanitary district, the possibilities of improving the gas light service were ignored, with the result that the gas lamps were poorly equipped and maintained and the service utterly unsatisfactory. Early this year, to avoid capital expenditures for new equipment, and with the hope of improving the service, the maintenance was given to a contractor who agreed to install all new heads and burners, of the single inverted mantle type. The situation now is, that the city owns the posts, and erects them, the city buys gas at the retail rate for the lamps, and the contractor owns the heads and burners and is responsible for their proper maintenance. The service is far more satisfactory than before. The lamps are spaced about 80 to 100 feet, and are 10 feet high. The contractor receives $11.20, the gas company $9.09, and the city spends about $1.09 in supervision, post repairs, and depreciation, etc., totalling $22.38 per lamp per year for 50 candle power. Gas lamps are being substituted for gasoline lamps as fast as possible where gas mains exist.

Upright mantle gasoline lights are in use to the number of 7700, posts and whole equipment, as well as maintenance being furnished under contract. The cost for the 60 candle power lamps for 1913 was $32.89 each.

All contracts contain clauses providing for street testing of lights in service, and penalties for outages and deficiencies in service. The city maintains its own gas testing and photometric laboratories manned by trained men, and equipped with all necessary standards and apparatus to check up on quality of service.

In the four years of the existence of this technical organization, very little trouble has arisen with the contractors, they evidently appreciating that there was no use taking chances with such a qualified testing bureau. This testing bureau has also furnished the city with its own unbiased investigations of various proposed lighting units, both gas and electric, with determinations of the effects of glassware, and of height of suspension, upon the yield and distribution of the light. In fact, scarcely a step has been taken without a careful study by this technical force. So Chicago's lighting development is proceeding along scientific lines.

Another recent development was the working out, as the result of actual field tests and trial installations, of an adequate lighting rule for "subways" or street openings under railroad track elevations. A 16 candle power incandescent lamp with suitable reflectors for each 400 square feet of subway area was adopted. When regularly laid out, this gives a safe illumination, far better than the old one or two arc or gasoline lamps. Subways properly lighted are no longer the lurking places of hold-up men, and the the like.

Advancement in electrical lighting is well provided for. The next step is to utilize more fully the possibilities of economical and efficient gas lighting by means of high pressure gas. With the city already gridironed with a high pressure gas system, used as feeders for the ordinary mains, it needs only the abandonment of the old policy of one price to all consumers of gas, including the city to thus allow a low price for gas street lights. The highly efficient electric system would then be supplemented with an equally useful gas system, with its advantage of maximum reliability and continuity of service.

The lighting situation in Chicago illustrates one point which is all too common in American municipalities; namely, that in municipally conducted operations the municipality does not properly inspect itself. Under the former municipal operation of the gas street lights the service was very poor, and there seemed to be no disposition to inspect the quality of the service and keep it up to standard, by persons whose only interest and attachment to the service were in the nature of technical inspection. Similarly, the present plan for electric lighting service is not yielding as efficient results as it is capable of yielding, because no properly organized independent system of inspection of the quality of service is maintained.

To leave the inspection of a municipally operated service to members of the same organization which is carrying on the operation almost always results in poor service. When municipalities will learn that it is wise to organize a competent body of properly trained inspectors who are not at all under the control of the operative force, then municipalities may be expected to yield service reasonably as good as, if not better than, is gotten from contractors who are subject to the independent city inspection.

*Judges to Fix Fees for Public Utilities.* The Pennsylvania legislature at its last session extended the act of 1905 providing for the determination by the court of common pleas of the proper county of all disputes as to the reasonableness of the amount of license fees, between the municipal corporations and telegraph, telephone, or light or power companies to street passenger railway, motor traction, gas or water companies. The court will determine the amount of license fees which should be paid to the said municipal corporation in order properly to compensate it for the necessary cost of the services performed or to be performed by it, for the inspection and regulation of the poles, wires, conduits, cables, pipes, or mains of the said telegraph, telephone, light, power, street passenger railway, motor traction, gas or water company; and the amount thus determined shall be the maximum sum which the said municipal corporation

shall be authorized to charge as license fees against such petitioning corporation.

*Municipal Ownership in San Francisco.* On August 26 of this year an election was held in San Francisco on the bond issue of $3,500,000 for the extension of the Geary Street Railway, as a step toward providing adequate transportation facilities for the exposition of 1915. Preceding the election, a vigorous campaign was waged, in which meetings, circulars, advertisements, motion pictures and street speaking played important rôles. The chief argument of the opponents of the issue was that it would increase the burden of taxation. On the other hand, its advocates, among whom were Mayor Rolph and Governor Johnson, urged that the enterprise would be a paying one, and would return a profit to the city after carrying all the burden of current expense, interest and sinking fund. The returns of the election show 51,452 votes for the issue, and 13,782 against it—a majority of 37,670. Compared with the vote of December 30, 1909, by which the first street railroad bond issue was ratified (31,151 for, to 11,704 against) a considerable increase in the strength of municipal ownership is shown.

*Opinion of Experts Appealed to for Defeat of Franchise.* The people of Lexington, Ky., have won a fight for the defeat of a lighting franchise in that city on the grounds that it was neglectful of public interests because it contained no adequate provisions for continuous control by the city, and no effective provisions for physical valuation as a basis for lighting rates, and no adequate provisions for fixing rates either for the present or at future times. Those opposing the franchise, led especially by Prof. Henry Lloyd, of Transylvania University, sent the franchise to experts all over the United States, including representatives of the Interstate Commerce Commission, the National Municipal League, the New York bureau of municipal research, the railroad commission of Wisconsin, and the public service commissions of New York and Indiana. At the election on November 4, the franchise was defeated by a referendum vote of 2506 to 2042. The two commissioners who voted for the franchise were defeated for reëlection and the two who opposed it were reëlected. At the same time a proposed bond issue for $200,000 for a municipal lighting plant was defeated. This will mean a new franchise drawn by the new commission and also other regulative legislation to be submitted to the state legislature at its forthcoming session. This campaign serves to emphasize the importance of national experts free from untoward alliances and ready to give an unbiased, uncontrolled opinion on franchise matters.

CLYDE LYNDON KING.[1]

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**Buffalo Gas Rate Controversy.**—In 1907 the city of Buffalo began a fight with the Buffalo Gas Company for a reduction in the price of gas. The proceedings were carried before the commission of gas and electricity on June 29, 1907, two days before it went out of existence, the act under which it existed having been repealed by the public service commission law which went into effect July 1, 1907. The rate fixed in those proceedings was 95 cents per 1000 cubic feet to private consumers, no rate having been specifically fixed applicable to the gas delivered by the company to the city itself. An action was then commenced by the company in the federal circuit court to set aside the decision of the commission of gas and electricity, but that action was abandoned when the court of appeals of New York declared unconstitutional the act establishing the commission. The gas company then took the position that it was entitled to charge the city 95 cents per 1000 for gas, and on the city's refusal to pay that sum, threatened to turn off the gas. The city commenced an action in the state courts

[1] Of the University of Pennsylvania.

and procured an injunction pendente lite, conditioned upon its paying the gas company on account at the rate of 75 cents per 1000 cubic feet. On appeal by the city to the appellate division of the supreme court this amount was reduced to 70 cents. The gas company then made a complaint to the public service commission for the purpose of having determined the reasonable price of gas to the city. The question was litigated before the commission and resulted in an order on February 5, 1913, which fixed the price of gas to be furnished by the Buffalo Gas Company to the city at the sum of 90 cents per 1000 cubic feet; the rate to be in effect for three years and thereafter until the commission upon its own motion or upon complaint of either party fixes a different rate. The question of the fair price to other consumers than the city was litigated in the proceedings but the commission declined to fix a maximum rate for the consumers.

MURRAY GRÖSS.

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**Union Water Districts.**—An important act in New York[1] provides for the establishment of union water districts by any number of municipalities within contiguous communities provided they have a combined population of not less than 25,000. Such districts are subject to the authority of the state conservation commission.

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**Public Safety Notes.**—*Use of Police Dogs.* A recent competition of police dogs held in a suburb of Havre, France, on August 10, 1913, has prominently brought to the attention of police officers in this country the great assistance which may be derived from these animals in practical police work.

A trained police dog is able to execute the following commands: He will follow a policeman at the heel without roving; he will sit, crouch or stand at the policeman's command; he will refuse food offered him by any person other than a policeman; he will find and bring back to the policeman a hidden object; he will jump over an 8-foot fence or a ditch which is 9 feet broad; he will guard an object in the absence of his master; he will defend a policeman from attack when commanded to do so by the policeman; he will attack any man at the policeman's command and stop his attack at the policeman's command; the dog will search for a hidden criminal; he will follow a criminal into a house and effect his own escape if unable to detain the criminal; he will attack without being ordered to so do any criminal who attempts to escape; and he will at any time respond to a policeman's call for help and defend him from attack.

*Cincinnati Police Report.* The annual report of William Copelan, Chief of Police of Cincinnati, for the year 1912 conforms more closely to the ideal police report than any American report which has come to the hands of the editor of these Notes. The report contains an excellent exposition of the principal problems of police administration affecting the department; it is well illustrated to stimulate popular interest in the document; and unimportant statistics and data have either been omitted or printed in small type. The statistics of arrests are well analyzed and presented; there are however no statistics of felony complaints and felony convictions, from which indices of police efficiency might be calculated by the student of police administration.

*Civil Service in Houston.* By a charter amendment adopted in October the members of the police and the fire departments of Houston, Texas, with the exception of the chief of police, the chief of the fire department and the fire marshal, were placed in the classified service subject to competitive examination.

LEONHARD FELIX FULD.

*New Jersey* made the police in all boroughs subject to removal only for in-

[1] 1913, Chap. 233.

capacity, misconduct, non-residence or disobedience, after written charges and a hearing. Each member must be a citizen of the United States and a resident for two years of the borough, and from twenty-one to fifty-five years of age on appointment.

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**Accounting Notes.**—*Cleveland's General Ledger Report.* Unquestionably one of the most interesting reports of an accounting nature issued by city controllers or auditors during the last quarter was the "general ledger report" of the city auditor of Cleveland. The accounting reform which Auditor Coughlin has accomplished, as evidenced by this report, is deserving of much commendation. However, we would point out a few of the more important places wherein the report should be improved. Why call it a "general ledger" report? The vast amount of detail which it includes indicates that if the figures were all taken from the general ledger there is much need for readjustment of the various books of account in that office. The term is even abused to the extent of including on one of the early pages under the title "interesting general ledger facts" such matter as age, area, population, miles of streets, sewers, number of baseball diamonds, parks, cemeteries, street lights, etc.

Highly desirable as are municipal balance sheets there is a limit to their usefulness. The Cleveland report overdoes the matter and includes too many balance sheets. A separate balance sheet is published for each of the city departments. In many instances they are of practically no value.

The auditor has included among his fixed assets such items as tools, motor cars and motor cycles, live stock, implements, vehicles, harness, etc. Our recollection of legal definitions and also of accounting terminology, as recognized by practicing accountants, does not include such items among fixed assets.

All cash is reported as a current asset. One large cash item was marked as a bond fund. This would indicate that it was to be issued for permanent assets. If so, would it not be better to set this cash out separately in a group of capital accounts, because certainly it cannot be used as an offset against current liabilities? We also noted among the current assets an item of $2,821,500, "Tax Levy, 1912," and could discover absolutely no offset to this on the credit side or the balance sheet. Without such an offset in the form of a reserve for uncollected taxes or to meet commitments (appropriations) as they become actual liabilities, the resulting surplus is incorrect by that amount.

*A State Budget for Ohio.* The state of Ohio is soon to be placed on a budget basis. This was authorized by the last legislature and Budget Commissioner W. O. Heffernan, with the coöperation of the New York bureau of municipal research, has devised a complete state budget system including standardized appropriation accounting.

*Other Cities Get Surveys.* Among the cities for which the New York bureau made surveys of accounting and business procedure during the past quarter were Pittsburgh, Milwaukee, Reading, Pa., and Toronto, Canada.

*Los Angeles Wants Efficiency.* Following a survey of the business methods of Los Angeles, the council provided in the 1914 budget for a city bureau of efficiency and economy. This bureau will be conducted similarly to the Milwaukee bureau, devoting particular attention to accounting and cost matters.

*"What Does Your City Own?"* One of the last steps in the installation of New York City's new accounting system just completed relates to the setting up of property ledgers showing exactly what the city owns. These amounts had never before been compiled. Determination of the cost of pavements and sewers and also of the property of the public service commission and board of education has not yet been completed. The figures to

date for the other city property, however, reach staggering totals, as follows:

| | |
|---|---|
| Land, | $874,600,000 |
| Building and structures, | 414,000,000 |
| Waterworks property, outside of city | 18,000,000 |
| Equipment, | 15,000,000 |
| | $1,321,600,000 |

The fact that New York and Philadelphia have actually accomplished the determination of their property costs and values should serve as an incentive to smaller cities to do likewise.

HERBERT R. SANDS, C.P.A.[1]

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**Supervision of Accounts.**—An Oregon law of 1913[2] places the duty to formulate uniform accounts for state offices and institutions expending state money and for counties, on the insurance commissioner who may also formulate accounts for road and school districts.

The public examiner of accounts in Minnesota was given supervision over the accounts of cities of 10,000 to 50,000.[3]

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**Chicago's Financial Outlook.**—The financial relief anticipated by the city of Chicago as a result of the park consolidation bill which passed both branches of the Illinois state legislature last spring and which was intended to vest in the city control of all the parks and playgrounds in the municipality was denied the city by the action of Governor Dunne who vetoed the measure on constitutional grounds. It was estimated in some quarters that if the measure had become law the city would have derived benefits aggregating $2,556,000. Nevertheless, as matters now stand, the change in the Juul law[4] and the issuance of $2,880,000 in bonds will enable the city for the time being to meet its pay roll obligations and maintain its credit. However, upon the expiration of the Juul law amendment, which will take place January 1, 1916, the city will again face the old conditions, but it is hoped by that time the urgent demands of civic associations and public spirited citizens will prevail and give the city a fundamentally improved revenue system.

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**Public Health Notes.**—*County Laboratories* to aid in the diagnosis and control of communicable diseases have been established by seven counties in New York state and an eighth county has provided for the same general service by contract. The first of these laboratories was opened in October, 1907, at Canandaigua, by a local sanitary association, but was afterwards taken over by the county. In 1908 the New York legislature authorized[5] the board of supervisors of any county in the state to establish what may properly be termed a public health laboratory, or to make a contract with some county or city laboratory for the service. Since the Ontario county laboratory service was established the following counties have started laboratories, the order being chronological: Steuben, Onondaga (contract service), Livingston, Monroe, Warren, Madison and Genesee. During the year 1912 the number of samples examined at each laboratory ranged from 5712 to 610. Broadly speaking, these county laboratories serve counties, the separate minor civil divisions of which could not or would not provide laboratory service. Dr. Wm. S. Magill, of the state department of health, Albany, N. Y., is director of laboratories and can give information regarding the county laboratories.

*Coöperative Board of Health* work has been carried on for about a year by a group of Massachusetts towns in accordance with a general plan mapped out by Prof. Wm. T. Sedgwick and other of-

[1] Secretary of the Metz Fund, New York Bureau of Municipal Research.

[2] Chap. 286.

[3] Laws 1913, Chap. 154.

[4] See NATIONAL MUNICIPAL REVIEW, vol. ii, p. 691.

[5] Chap. 255, p. 727, Laws of New York.

ficers of the department of biology and public health of the Massachusetts Institute of Technology. The first town to adopt the plan was Wellesley which for three years had employed a trained full-time officer to serve as agent of its local board of health. Subsequently the following towns joined Wellesley, in order named: Belmont, Framingham, Weston, Needham, Melrose, Winchester and Canton. This coöperative work has been under the direction of Prof. Earle B. Phelps, a member of the Institute staff already named and a consulting engineer. Professor Phelps has served as general agent for the various boards and under him have been a chemist and bacteriologist, a plumbing and sanitary inspector, besides laboratory and clerical assistants. A central laboratory is maintained at Wellesley. An automobile and motorcycle are used. Besides the central organization various local agents and inspectors are employed. The plan makes possible a trained central administrative force and good laboratory service, all at relatively small cost. The plan was described more fully by Professor Phelps in a recent number of the *Journal of the American Public Health Association.*

M. N. Baker.

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**Fire Prevention.**—The *Indiana* legislature passed a state fire marshal law patterned closely after the model law proposed by the Fire Marshals' Association and the National Board of Fire Underwriters. The fire marshal is given extensive powers to compel the correction of fire hazards and to condemn buildings especially liable to fire. The law gives this official express directions to

> make regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, gunpowder, dynamite, crude petroleum or any of its products, explosives or inflammable fluids or compounds, tablets, torpedoes, or any explosives of a like nature, or any other explosives, including fire works and fire crackers, and may prescribe the material and construction of receptables and buildings to be used for any of said purposes.

Whether or not regulations thus issued can be enforced in a court of law has not been expressly determined. The attorney-general of New York has given an opinion that the fire marshal of that state is not bound by local ordinances but may enforce rules which go beyond the local standards. The power to condemn buildings is now the subject of a law suit in Indiana and also in Michigan. The objection is that the state makes no compensation for the property condemned. Each city fire chief is made an assistant state fire marshal. Every fire occurring in the city to which the department is called is reported to the state official.

The *Kansas* legislature created the office of state fire marshal at the 1913 session. The law is devoted chiefly to the procedure to be followed in the investigation of incendiary fires and is very weak in that section relating to the correction of physical hazards. The only specific grant of power is that giving the marshal authority to remove or remedy hazards caused by combustibles.

*North Dakota* created the office of state fire marshal.

The *Montana* legislature amended the fire marshal law passed in 1911, making more explicit the powers relative to orders for corrections and condemnations and specifying the method by which such orders shall be served.

*Minnesota* repealed all former laws and embodied the old statutes and several new sections in one chapter.[1]

This law follows the model law closely in its effects and meaning though entirely different in arrangement and phraseology. The attorney for the department is placed under the direction of the state's attorney-general, though paid from the fire marshal's fund. The marshal and his deputies by a special section are given the authority to require immediate

[1] Known as Chap. 564, Acts of 1913.

correction of hazardous fire traps whenever such conditions are found as "are a menace and dangerous to the safety of life and limb of the occupants of said building or adjacent buildings." Orders of the state fire marshal are to be served in the same manner as a summons is served in district court, except in cases where the order is served by publication. The order and the proof of the service must be filed in the office of the clerk of the district court in which the affected property is located. Where the property is occupied by a tenant the law expressly provides that the tenant must also be notified. The tax upon the fire insurance companies for the maintenance of the department is increased from one-fourth of one per cent on the gross premiums received in the state less return premiums to three-eighths of one per cent on this amount.

The *Michigan* fire marshal law was amended to provide for appeals to the circuit court whenever any person upon whom an order was served was aggrieved by such order. It is under this section that the present law suit regarding the power of the marshal to enforce his order is brought.

Michigan also passed a very good measure providing regulations for the construction and operation of moving picture shows. The courts have already sustained the right of the marshal to close those "movies" not complying with the law.

*Texas* repealed the law enacted in 1911 known as the state insurance board law, enacting in its place the state fire commission law. This provides for three members: the secretary, the state fire marshal, and the commissioner of insurance and banking. The law gives the commission power to make rates for fire risks and prepare a uniform policy to be used by all companies doing business in that state. The fire marshal is not given the powers necessary to make his work a success. This part of the law at least is weak. The insurance companies are to pay one and one-quarter per cent of their gross premiums on Texas business to support the new commission, instead of $25,000, assessed pro rata on the gross premiums as heretofore.

*Wisconsin.* The legislative fire insurance investigating committee recommended that the oil inspectors department, the state insurance department and the fire marshal department be consolidated, but the legislature failed to act.

*Pennsylvania.* An attempt was made to amend the fire marshal law. One of the interesting provisions of the proposed measure was that appropriating $2500 to employ a competent statistician. The proposed law gave the marshal greater power and struck out that joker now present in several of the fire marshal laws providing that no person could be prosecuted for arson who had been compelled to testify in a preliminary investigation conducted by the fire marshal's department.

The *Massachusetts Fire Hazard Commission* gave its report in January of this year. The report is contained in an interesting pamphlet of 28 pages. Eleven pages are taken up in setting forth the recommendations of the majority of the commission. Then follows the suggested legislation. The committee recommends a permanent metropolitan fire hazard commission which shall have power to compel all cities within the district to maintain their fire departments so as to reach a given standard, to compel cities to maintain a suitable place for the disposal of inflammable refuse and the power to maintain a staff of inspectors for the inspection of premises to see that the rules and regulations of the commission and the law creating the commission are obeyed. The commission lays stress on the desirability of legislation regulating the construction of buildings, the establishment of fire limits according to the fitness of the boundaries instead of an arbitrary selection of a certain street as the outer limits. The commission would encourage the formation of fire proof building

barriers in the principal districts that conflagration might be arrested by them. The commission recommends a law to prohibit the use of a shingle roof, a law providing that all upright supports below the first floor of building shall be made of incombustible material, a law limiting the height and increasing the distance between certain kinds of buildings, and a law providing that all smoke and vent pipes for stoves, furnaces and heaters, including gas stoves, should be better protected.

RALPH E. RICHMAN.[1]

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**Proportional Representation.**—*Great Britain.* A municipal representation bill, providing for the election of the councils of British municipalities by the Hare system of proportional representation, is now before Parliament. As the same system has been incorporated in the parliament of Ireland bill, for the election of the senate and the house proposed for that country, by amendments passed with but little opposition, it has a good chance of passing for municipal councils in the life-time of the present parliament. The system has already been adopted for the election of representatives by the British medical association, the national union of clerks, the national union of railwaymen, and the women's liberal federation, and for the election of the insurance committees provided for under the national health insurance act. It has also been endorsed (for parliamentary elections) by the Scottish trades union congress, the Irish trades union congress, the national league of young Liberals, and other similar organizations.

*Jacksonville, Fla.* The civic organizations approved a proposed charter providing for the election of the council by the Hare plan. The charter was to have been submitted to the voters on November 4. Its submission was prevented, however, by the opposition of the present city council, which undertook to submit instead a charter approved by itself. The submission of the council's charter was prevented by an injunction, so the council's action resulted in preventing the submission of any charter at all.

*South Africa.* The action of the provincial council of the Transvaal, in the autumn of 1912, in discontinuing the use of the Hare system for the election of the councils of Johannesburg and Pretoria not only failed to secure the approval of any newspaper or any considerable section of public opinion in the cities affected, but resulted in stimulating greatly the movement for the extension of the reform to the other provinces of South Africa.

The single tax communities of Halidon, near Portland, Me., and Tahanto, in the town of Harvard, Mass., are governed by a council elected by the Haresystem of proportional representation.

The *Proportional Representation Review*, a department of the quarterly *Equity* that has been edited for some years by Robert Tyson of Toronto, will be edited hereafter by the writer. *Equity* is published by Dr. C. F. Taylor at 1520 Chestnut Street, Philadelphia.

C. G. HOAG.[2]

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**New York's Electoral Reform.**—The extraordinary session of the New York Legislature, convened by Governor Glynn in December, passed two electoral bills of first class importance: A Massachusetts ballot bill and a much improved direct primary law.

The new ballot law may be dismissed with brief comment. It abolishes party columns and straight ticket voting. The candidates are arranged, not alphabetically, but in party order, and have a small party emblem opposite each name.

[1] Secretary, Indiana Fire Marshall Department.

[2] Secretary, American Proportional Representation League, Haverford, Pa.

Still it accomplishes the main reforms, and had the support of the City Club and of the Citizens' Union. It is interesting to note that the many years of advocacy of this measure finally produced a group in the Democratic party committed to it. The leader of this group is ex-Senator John Godfrey Saxe, of New York, to whom much credit is due.

It is not difficult to understand the provisions of the new direct primary law, but its position in New York's political development requires explanation. The direct primary movement is due to ex-governor, now Justice Hughes. His bill differed from any direct primary law then or now on the statute books. These laws seem to presume either that party organization will cease to exist, or that it will take no interest in nominations. Governor Hughes refused to assume what we all know not to be the fact in "simon pure" direct primary states. He therefore proposed to simplify party organization so that it could be understood and controlled by party voters. He then proceeded to give party organization the opportunity, definitely and publicly, to propose candidates for party nomination. This was to take place over a month before the primary, giving party voters ample opportunity to organize dissent from the organization proposals on one or all offices. It is my personal judgment that this is the most statesmanlike party primary system yet proposed.

But when Tammany passed the first, and fake direct primary law in 1911 it bent this Hughes system to its own purposes. Instead of simplifying party organization it permitted it to be made more complex and uncontrollable. It then gave to this kind of party organization the power to suggest candidates, and gave party voters just five days in which to organize any dissent; in short, it made the 1911 direct primary law an engine, not only for perpetuating existing party organization, but even for giving it as tight or tighter control over nominations than even under the convention system.

The natural result followed. The state loathes the machinery involved in the Hughes bill because of the atrocious use to which the Tammany law put it.

Hence the new law is "simon pure." All primary candidates go on the ballot by petition. The number of signatures required is reasonable, and the primary ballot is in the Massachusetts form, each candidate receiving a number, by which the illiterate voter may identify him. Parties are not precluded from holding conventions, except for the nomination of candidates.

I think it is fair to say that this law will compare favorably with direct primary laws generally; but it is most unfortunate that the trial of ex-Governor Hughes' more statesmanlike plan must be postponed to some future date.

ROBERT S. BINKERD.[1]

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**City Planning.** — Considerable legislation providing for systematic city planning was enacted in the eastern states this year besides numerous provisions for extension of park development and local betterments in certain cities and provisions making condemnation proceedings easier for planning.

The states which were most active were New York, New Jersey, Pennsylvania, Connecticut and Massachusetts.

In *New York*[2] every city and incorporated village is authorized to create a planning commission and to provide money for its support. Such commissions shall be created for villages by ordinance of the trustees and for cities by the council except New York City where it is created by the board of estimate and apportionment.

When created, the planning commissions have power to pass upon any of the following matters before action by any other board or officers. The adoption of any map or plan of said city or incor-

[1] Secretary, New York City Club.

[2] Chap. 699, Laws 1913.

porated village, or part thereof, including drainage and sewer or water system plans or maps, and plans or maps for any public water front, or marginal street or public structure upon, in or in connection with such front or street, or for any dredging, filling or fixing of lines with relation to said front; any change of any such maps or plans; the location of any public structure upon, in or in connection with, or fixing lines with relation to said front; the location of any public building, bridge; statue or monument, highway, park, parkway, square, playground or recreation ground, or public open place of said city or village.

The law does not contemplate interference with any art commission or park commission in their powers over the acceptance for the public of any work of art.

The commission may cause maps to be made showing all data for city planning and the council may require all plats to conform to the plan before being approved for record.

Two laws were enacted in *New Jersey*. Cities of the first class are authorized to provide for a city plan commission. The commission may employ experts and shall prepare from time to time plans for the systematic and further development and betterment of such cities. They may make any investigation relating to the development and betterment of the city and report conclusions to any department interested and may make surveys, plans and maps. All plats or replats must be submitted to the commission for approval. A maximum appropriation of $25,000 may be made in any city.[1]

Second class cities are given like power to establish commissions, but no authority is given over platting.

*Connecticut* passed three special acts applying to New Haven,[2] New London[3] and West Hartford.[4] In New Haven a city plan commission is created with power to make a comprehensive plan for the development of the city. The commission may employ experts. An important provision of the act authorizes excess condemnation as follows:

". . . . said city of New Haven may buy and hold real property or any interest or estate therein within its corporate limits for establishing esplanades, boulevards, sites for public buildings," etc. and after the completion of such improvements, may convey and give good title to any property thus acquired and not needed for the improvement with or without reservations concerning the future use and occupation of such real estate.

In New London the park board is to prepare a comprehensive city plan and may employ expert advisers. The town of West Hartford is authorized to create a planning commission if the people so vote.

*Pennsylvania* also passed two acts. The first creates a city planning department in cities of the third class. The commissioners are to be appointed by the mayor and councils. All ordinances relating to the location of any public building and any change in any street, tunnel or railway must be submitted to the commission for their consideration. They may disapprove, but not veto. The commission may cause maps of the city to be made including the territory for three miles outside and lay out proposed locations for public buildings, parks, streets, etc., and may make recommendations as to any change in the plan of the city. All plats and replats within the city must be submitted to the commission for approval and the disapproval of the commission shall be deemed a refusal of any proposed dedication of public purposes.

A second act authorizes the creation of suburban metropolitan districts of the areas within 25 miles of the limits of cities of the first class. The law states its purpose

That in order to secure coördinated, comprehensive plans of highways and

[1] Chap. 72, Laws 1913.
[2] Special Act No. 243, Laws 1913.
[3] Special Act No. 351, Laws 1913.
[4] Special Act No. 291, Laws 1913.

roads, parks and parkways, and all other means of inter-communication, water-supply, sewerage and sewage disposal, collection and disposal of garbage, housing, sanitation and health, playgrounds, civic centers, and other public improvements, as hereinafter provided for, the districts surrounding and within 25 miles of the limits of cities of the first class, whether in one or more counties, and in order to prevent waste by unnecessary duplication, the areas included within 25 miles of the limits of cities of the first class shall be denominated the suburban metropolitan districts of cities of the first class. When any city, borough, or township is partly within and partly without the 25 mile limit, the whole of such city, borough, or township shall be regarded as within the suburban metropolitan district.

The suburban commissioners for each city are appointed by the governor and consist of fifteen members. The commission is required to secure maps of the entire district and lay the same before the governmental authorities of the district, showing all the facts relating to a comprehensive plan, and make recommendations for the development of the plan. Any city, borough or township within the district may request of the commission that plans be made for any of the subjects under its jurisdiction.

In Massachusetts[1] every city, and towns of more than 10,000 population are required to establish planning boards

to make careful studies of the resources, possibilities and needs of the city or town particularly with respect to conditions which may be injurious to public health or otherwise injurious in and about rented dwellings and to make plans for the development of the municipality with special reference to the proper housing of the people.

In cities the board is to be appointed by the mayor with consent of the council or appointed by the commission in commission governed cities. In towns the board is to be elected by the voters. Each board must report to the state homestead commission.

JOHN A. LAPP.

[1] Mass. Laws 1913, Chap. 494.

**Housing and Town Planning.**—Dr. Carol Aronovici will deliver a course of lectures at Swarthmore College dealing with the subject of housing and town planning in which he will discuss the fundamental causes of the housing problem from the point of view of the land question; cost of materials and their relationships to American trade; taxation; methods of financing working men's homes; causes of congestion; direct and indirect housing legislation. Under town planning will be considered the method of initiating a town plan; the social significance of a street layout and its relationship to the community; transportation; distribution of industries; planning for recreation, suburban expansion and other similar subjects.

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**Social Centers.**—The social center movement, the result primarily in various localities of personal or private impetus, assumed rapidly the dignity of a municipal function and has now reached the point of recognition where social centers are being established on a state-wide basis in several commonwealths.

Wisconsin, again the pioneer in state legislation, enacted a law in 1911, authorizing school trustees or school or other boards to grant to organizations of a civic, social or recreational nature, the use of schools and public buildings and property for public meetings, on petition of one-half the voters of the district. Laws passed by California, Indiana, Massachusetts and Ohio, in 1913, are generally indicative of the tendencies of the more recent statutes on the subject.

In California, the law establishes a civic center at every public school house in the state, providing free light, heat, janitor service and a special supervising officer, out of the county or district special school funds, the only charge for the use of the property being in case of entertainments where the public is charged an admission fee. These civic centers are to be under the control

of the school trustees or district boards of education, who also appoint the supervising officer.

The Indiana law is practically a re-enactment of the Wisconsin one, except that application for use of the schools or public property must be signed by one-half voters residing within a radius of two miles. Heat, light and janitor service are furnished free to citizens' organizations of a non-partisan, non-sectarian, non-exclusive nature for the discussion of public questions, and for such other activities as the school or other board may approve, the persons making application for the use of the property being responsible for all damages.

The Massachusetts statute is brief, simply authorizing the school committee of any city or town—Boston excluded—to conduct educational and recreational activities in or upon school property and to allow individuals and associations to use them for the same purposes, under regulation and without charge to the public.

Ohio grants the use of all school grounds and buildings under control of the state as social centers for meetings on application by responsible organizations or groups of seven citizens who are not only responsible for damages but also for janitor service, heat and light. Further, boards of county commissioners are authorized to provide and maintain civic and social centers in the county, employ expert directors and levy a tax to pay all expenses.

ETHEL CLELAND.[1]

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**Public Libraries.**—Library legislation this year has not revealed any marked originality, but a few things worthy of notice are seen in the laws of those states which have already published the results of their legislative sessions.

*Nebraska* has enacted a law authorizing the establishment of a pension system for public library employes in "metropolitan" cities that have a population of 100,000 or more. The retirement fund is to be created: (1) by an assessment of not more than one and one-half per cent on each installment of the salaries of the regular employees; (2) by setting aside from public funds an amount equal at least to one and one-half times the amount of salary assessment and sufficiently large to meet the payments provided for; (3) by the receipt of donations. If the fund becomes large enough to meet all probable demands then the salary assessment shall be temporarily suspended. The fund is to be under the control of the city council. The city council may retire any employee after thirty-five years of service and must retire employes after forty years' service. In either case the employe, if twenty years of his service have been spent in the public library of that city, is entitled to receive $420 a year, payable monthly. Employes who have been in the service twenty years may be retired under certain circumstances.

Two states, *Kansas* and *South Dakota*, have given library boards the right to determine, within certain limits, the rate of taxation for the public library. In Kansas, the board of nine members, of which the mayor is one, may specify any rate up to four-tenths of a mill on the dollar, and the tax specified must be levied. In *South Dakota*, the new general library law requires the public library trustee to make a careful estimate of the necessary expense for maintenance for each year and to certify to the tax levying authority the tax levy needed; and such levy must be included in the regular tax levies, provided it be not more than two mills on the dollar.

*Iowa*, a state with many commission-governed cities, has found it necessary to provide that library boards in such cities shall consist of five members appointed by the mayor with the consent of the council and that the powers of these boards shall be the same as those possessed by public library boards in

[1] Indiana Legislative Reference Bureau.

cities not having the commission form of government. *Minnesota*, on the other hand enacted a law, giving city councils of cities of 50,000 population which have home rule charters, power to fix the salary of the librarians of the public library.

A *Missouri* law authorizes the establishment of separate libraries for colored people.

A few states have made provision for an increase in library tax levies.

*Massachusetts*, *Oregon* and *South Dakota* have enacted important laws affecting the public library commissions; several others have increased the appropriations for these departments. The board of free library commissioners in Massachusetts is authorized to appoint an agent or secretary at a salary of $2000 to direct educational work (presumably in connection with public libraries) for the benefit of foreigners.

The *South Dakota* legislature this year enacted a law establishing a free library commission. It consists of the governor, the superintendent of public instruction, the state librarian and two other persons appointed by the governor after nomination, one by the state library association and one by the state federation of women's clubs.

The public library commission of *Oregon* by an act of the Oregon Legislature, has become the state library and the members of the commission have become trustees of the state library and the secretary has become state librarian. All the duties of the former commission now devolve upon the new state library, together with certain other duties usually performed by state libraries, such as collecting and indexing documents of value to state officials and to the legislature.

Rural library extension from public libraries in towns and cities received attention in *Iowa*, *Minnesota* and *South Dakota*. In Iowa the law which provides for the coöperation of towns and townships in supporting libraries was amended so that any county, township, school corporation or adjacent town may now levy a tax for a town library and make a contract with the library board for extending the service into such county, township, school corporation or adjacent town, such contract to be for a period of five years unless otherwise specified. The same law includes provisions for the establishment of free libraries in any city, town or township by a vote of the people for rural library extension from these libraries and a library tax levy of not to exceed two mills on the dollar.

CARL H. MILAN.[1]

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**Trees in Cities.**—Tree-planting campaigns are being carried on in many cities of the United States, resulting in profit and attractiveness to these cities. In *St. Louis*, for instance, the estimated value of the 66,500 trees and shrubs turned out in two years by the two municipally owned greenhouses was $12,721.70. The original cost and maintenance expenditures amounted to $4,000, leaving a net profit to the city of $8,721. Formerly the park department was forced to buy the trees they set out. In *Philadelphia*, the Fairmount Park Commission, which has supervision of over 127,000 street trees in the city, is planning to turn many treeless streets into shady avenues as a step toward conserving life and health. A tree-planting campaign in *Baltimore* in 1914 will be extended to the planting of 1500 trees, and during the winter all the dead trees in the city will be removed. It is estimated that by planting seedlings the city will in the course of three years save many hundred of dollars each year.

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**Park Commissioners in Montana.**—Montana has provided for creating a board of park commissioners composed of the mayor and six other persons to be appointed by the governor in all cities of the first and second classes.

[1] Secretary, Indiana Public Library Commission.

**Recent Advances in Smoke Abatement.**—Smoke is not an "indication of prosperity;" on the other hand, it is a sign of mismanagement and waste—industry's "badge of shame." The more dense the smoke, the greater the fuel waste through the emission of unconsumed gases. Yet, disregarding the fuel waste in furnace entirely, it is estimated that the city of Cleveland was damaged to the extent of $12, and St. Louis and Chicago $8, *per person* due to the effect of smoke on hotels, houses, business property and the general health. Nearly one-half an ounce, or three-quarters of a pint, of soot was extracted from the lungs of a tramp. But as a city cannot enforce an ordinance unless it is reasonable, there is special need for a wise choice of methods for the regulation of the smoke nuisance.

At present the best known method is the machine-fired furnace with automatic stokers, and an ample combustion chamber. With automatic stokers the thickness of fire can always be evenly maintained, and the exact amount of air can be passed over the fire to mix with the gases arising from the even bed of coals. Air enters and passes out of the combustion chamber in just one second; it must be heated to ignition temperature and mixed in this time. Therefore a large combustion chamber is necessary to permit of thorough mixing and to produce the maximum amount of $CO_2$.

In direct relation to furnace design is the carbon dioxide recorder, an instrument coming into higher appreciation and greater use every day. The instrument records the per cent of $CO_2$ at the outlet of the combustion chamber. The ideal furnace combustion should result in 12 to 14 per cent of $CO_2$ in the stack.

The difficulty in burning bituminous coal smokelessly is that the fuel burns partly as a gas and partly as a solid, and the gas burns in much shorter time than the solid. The steam air jet has, to a great extent, alleviated this difficulty. Steam introduced under the grate keeps the fuel bed open for draft and when introduced over the fire it serves as a perfect mixer of the air with the fuel gases. The steam air jet has also been and is being used successfully on locomotives. Front-end devices have made it possible to reduce by one-half the amount of cinders and dirt carried into the air.

Electrification of railroads is conceded to be the real solution of the railroad locomotive smoke problem, and this in Chicago amounts to from 30 to 50 per cent. It has already been demonstrated that two electric locomotives are capable of as great a load as a 60 ton steam locomotive, and are more efficient, due to the mechanical advantage of having the weight centered over the driving wheels. Steam locomotives carry part of their weight in the tender..

The gas producer is fast becoming a factor in conservation of fuel and abatement of smoke because of the ability to use inferior grades of coal. Internal combustion engines and gas producers have both reached a high state of perfection in design, efficiency, construction and use of fuel.

Electricity conducted through wire woven in a number of small pipes placed at the top of the chimney has proved successful in abating smoke. One-third to one-half of the solid matter in smoke consists of iron oxide, and the strong current precipitates the small particles in the smoke into larger ones which fall back from their own weight.

KARL J. ZELLNER.[1]

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**The New York Smoke Ordinance.**—An ordinance prohibiting the discharge of dense smoke from any building, vessel, engine or motor vehicle in New York City was declared unconstitutional by the Court of Special Sessions last summer. Although the decision was by a lower court it is worth noting because the local health ordinance in question affords an example of arbitrary prohibitive legislation which utterly ignores long established scientific standards or

[1] University of Pennsylvania

tests and also because it is questionable whether the reduction of the smoke nuisance is a proper function of a health department. Considering first the arbitrary character of the legislation[1] the three judges on the bench agreed that it was unreasonable and oppressive to prohibit the discharge of dense smoke

irrespective of the color or the degree of soot, cinders or other injurious matter it may contain, if any; irrespective of the quantity or volume of the smoke emitted, and of the time or length of time the same is being discharged, and irrespective also of the locality or surroundings where the smoke is discharged.

In other anti-smoke legislation it is common to permit the discharge of smoke for a few minutes, as when starting up a fire in the morning, and instead of simply prohibiting any and all dense smoke, the character of the smoke prohibited is frequently specified, as determined by what is known as the Ringelman smoke chart. Although there are reasons for believing that smoky atmospheres are injurious to health the testimony bearing on the subject is for the most part vague and a matter of opinion or reasoning from analogy and rarely if ever rests on any sure foundation of vital statistics. In some states the courts have placed attempts to control or reduce the smoke nuisance in the same category as attempts to prevent noises and various other common nuisances; that is, within the general police power exercised by the main governing body but outside the pale of health legislation.

M. N. Baker.[2]

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**Single Tax in Pueblo.**—The home rule amendment of the Colorado constitution gives the cities complete power to "regulate the assessment, levy and collection of taxes for municipal purposes." On November 4, 1913, Pueblo availed itself of this power by adopting the following amendment to its charter by a vote of 2711 for and 2171 against:

Section 2. . . . . provided that all taxes levied shall be levied in the manner following, and not otherwise:

*a.* On and after January 1, 1914, a tax of not less than one-quarter of one mill, and not more than one mill, shall be . . . . levied upon all taxable personal property within the limits of the city, and upon all the taxable personal property within the several parts, water districts and park districts thereof.

*b.* Real estate improvements and all improvements in or upon land shall, on and after January 1, 1914, be exempt from all taxation for municipal purposes to the extent of fifty per cent, or one-half of its present assessed value; and all such property shall, on and after January 1, 1915, be exempt from all taxation for municipal purposes to the extent of ninety-nine per cent of its value.

*c.* Land, exclusive of all improvements in or upon it, the franchises of all public service corporations, and all other rights of way and franchises in the public streets and alleys shall never be exempt from taxation for municipal purposes.[3]

The amendment came somewhat as a surprise. In characteristic American fashion all eyes are how turned to the courts. The suggestion is made that the home rule amendment did not contemplate giving to the cities the power to adopt any new scheme of taxation, but limits them to a choice of the existing practices. Again, it is said that the amendment conflicts with the rule of uniformity laid down in the constitution with respect to taxation.

William Bethke.

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**Occupation Tax in Question.**—In many of the newer cities a common way of raising revenue is by means of an occupation tax. In *Turner et al. vs. City of Ardmore et al.* the plaintiffs objected to the tax, and obtained an order restraining the city officials from prosecuting them for failure to pay it. The supreme

[1] Sec. 181, Sanitary Code, City of New York.

[2] Montclair, Board of Health.

[3] Sections d, e and f, are simply saving and repealing clauses which do not affect the scope and nature of the plan.

court of Oklahoma[1] held the order erroneous for the reason that the plaintiffs possessed an adequate remedy in the right to appeal from the decision of the municipal court, and that they should have adopted that procedure. Occupation taxes, being usually temporary expedients, are frequently contested. If fairly adjusted, however, they may be legally levied, and are a legitimate, though unsatisfactory, way of raising revenue.

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**The Provision of School Lunches.**—The feeding of school children is a movement that has passed the experimental stage and has become a recognized part of the modern school system. Ten years ago school lunches were served in two elementary schools in Philadelphia. Today they are being served in more than seventy American cities. In Philadelphia alone the 170,000 children in the elementary schools are spending approximately $200,000 for lunches each school year. As only about 6,000 of these children are cared for by the school lunch department, this money goes largely to the street vendor, for dirty, adulterated food. During the past year 10,000 children in the high schools spent $92,000 for school-provided lunches. This money was spent for clean, nutritious and palatable food, prepared and served in a sanitary manner in a clean and attractive room under expert supervision. Miss Alice C. Boughton in a recent paper argues that the whole system of lunch room expenditures should be the common property of the children. They should understand the purposes for which their money goes,—rent, service, food, etc. While the correlation between school room and lunch room has not been close in the past, it is nevertheless evident that the school lunch offers a laboratory for valuable instruction to the children. In order to develop its educational possibilities, however, it is necessary that the director of the department be not only a business manager, an accountant, a skilled housekeeper, and a trained dietitian, but also an intelligent and well-equipped teacher.

[1] 130 P.R. 1156.

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**Municipal Theatres in Wisconsin.**—At the last session of the Wisconsin legislature, the general municipal charter law was amended so as to give to all the cities of that state the right to conduct municipal theatres, auditoriums, and recreation centers. The particular question was raised because the city of Richland Center had built a new city hall with council chamber, municipal office, etc., and also a large modern municipal theatre. After the building had been nearly completed the city's officials found that they had no right to conduct a municipal theatre, and consequently, would have to lease it to a theatrical company, not use it, or secure the passage of the act as above indicated.

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**New Municipal Markets.**—Some idea of the growing public demand for municipal markets may be gleaned from the following statement as to the creation of new municipal markets in various parts of the country. In *Hoboken, N. J.* a municipal market has been opened on a ten-acre city lot, and 5000 women responded to the opportunity to buy directly from farmers. The managers of the market are now discussing the feasibility of erecting a long, broad platform from which farmers can sell their wares. In *Los Angeles*, the demand of the people for public markets is exceeding the ability of the council to equip the necessary institutions. The ninth and tenth markets have just been opened, and there are petitions on file for twenty more. A reduction in the vegetable bill from 50 to 75 per cent has been effected through the markets. There is an attendance of from 12,000 to 15,000 people at the markets on Saturdays. In *Newberry, Penna.*, a curbstone market has been opened, and the trade of

farmers within reach of the market is being especially encouraged. In *Antigo, Wis.*, a new market square has been opened for the use of the public. After years of agitation, a public market is at last assured for *Tulsa, Okla.*, and the city commission has been authorized to secure a temporary location for the market pending the erection of a building. A municipally owned market is being advocated for *Sandusky, O.*, and the belief in that center seems to be that the experiment if properly made on not too large a scale would be a success. The conclusions of all students of the cost of living problem seem to be that lower food costs are to come primarily through lowering distribution costs. Municipal markets unquestionably offer an avenue not only for simplifying the process of distribution but also for lowering the costs necessary thereto.

CLYDE LYNDON KING.

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**Municipal Slaughter Houses.**—The establishment and operation of municipal slaughter houses is a civic activity by which a more direct and wholesome route can be assured for foodstuffs. By affording the possibility of double inspection—on the hoof by a veterinary surgeon and of the meat by a trained inspector—these slaughter houses furnish every possible safeguard to the purity of the city's meat supply. Through an efficient checking system, responsibility for careless inspection can at once be placed upon a negligent inspector. Opportunity for ample cold storage facilities is also afforded. In Europe slaughtering has been confined to public abattoirs for years. Forty-three of the fifty largest towns in Germany own their own abattoirs, and require all meats sold to be slaughtered therein. The total value of the animals slaughtered in Berlin's abattoir in 1905 amounted to $55,000,000. In the United States, public abattoirs with municipal inspection are maintained at Paris, Tex., Montgomery, Ala., Nashville, Tenn., Dubuque, Iowa, and Los Angeles. Grand Forks, N. D., has recently passed favorably upon a bond issue of $12,000 for the erection of a model municipal slaughter house. The plant will be constructed of brick, with concrete floors. It will be equipped with trolleys through out; will contain a hog-killing room, a beef-killing room, a rendering room, and adequate water and sewer facilities. All meat not slaughtered under government inspection will have to be slaughtered in this plant. This is a line of municipal activity worthy of extension in all our cities.

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**Foreign Notes.**—*Swansea Enterprise.* The Swansea Corporation has recently opened up the district of Townhill for residential purposes by the construction of three light railways of a total length of three miles. The cost of constructing and equipping the lines is estimated at 34,000 pounds, and that of widenings and improvements at 30,000 pounds. A vital change has been made in the method of electing municipal councillors. The system of proportional representation has been abolished by the provincial council, and the block vote method of election restored. No election will occur until the sitting council shall have been in office for three years.

*Aberdeen Report.* The annual report on the tramway system for the year ending May 31 last shows a surplus of £12,524, 18s., 7d., the largest profit yet obtained. The town council has decided to make an application to Parliament for additional powers, particularly its consent to borrow 65,000 pounds for further extensions and improvements.

*Municipal Tramways.* In a recent editorial, the *Municipal Journal* heartily commends the electric tramway systems. It cites the fact that they have been the most important factor in the solution of the housing problem and in relieving the congestion of the towns.

*Women in Local Government.* With the approach of the annual municipal elections in England and Wales, the

women's local government society is urging upon the electors the choice of women for the municipal councils. It is contended that women councillors are particularly well suited for efficient administration. In some instances, women candidates have been chosen and canvassing is being rapidly pushed.

*Municipal Telephones.* The failure of the municipal telephones movement is being regretted very considerably by the English public; but it is now too late to point out the greater advantage of the municipal system over the national system.

*Adelaide Abattoirs.* The municipal abattoirs of Adelaide, at which the meat supply for South Australia will be prepared and treated, have recently been formally opened. The new abattoirs represent the very latest ideas in every department. Their control is vested in members of the various local governing bodies. The cost of construction represents £353,000 and the annual revenue is estimated at £76,000.

*Trade Unionists and Local Government.* The Manchester and Salford trades and labour council recently passed a resolution favoring very heartily the movement for bringing all Manchester Corporation workmen into trade unions. Non-union men will be given a period within which to come into the union. The further employment of non-unionsts in any of the corporation departments will be considered sufficient grounds for a strike.

*Tramways.* A system of railless trolley cars has just been completed in Lancashire. This is the first attempt made in Lancashire to provide such a service. The system is working very satisfactorily.

*Municipal Tramways Association.* The question of motor bus vs. tramways and railless tramways is at present being greatly agitated in England. At the recent annual conference of the municipal tramways association, J. B. Hamilton, general manager of the Leeds tramways, presented a paper favoring very clearly the tramway systems. He believes that their lessened costs and greater reliability in operation are sufficient to commend the adoption of the tramway systems, though each case must be judged on its own merits and after the local conditions have been carefully considered.

*Excessive Sickness.* Action under the "Excessive Sickness" section of the national insurance act has been taken against the Woolwich borough council. No formal claim for payment of excessive expenditures has been made, and since the filing of such a claim is indispensable, the outcome of the situation will be watched with interest.

*Poor-Law Reform.* The first effective effort to codify the poor-law orders occurred during the régime of John Burns at the local government board. Recently, revision and codification have been extended by the present president of the board.

*London's Grievances Against the Exchequer.* In a recent paper by the comptroller to the London county council, London's grievances against the exchequer are detailed and summarized. London prays for immediate financial relief, and although certain changes in the relations between Imperial and local taxation are recommended by the royal commission, nothing, however, has been done.

Robert M. Jameson.[1]

[1] University of Texas.

## III. POLITICS

**Women Holding Office.**—The progressive West has solved for itself the question "Should women hold office?" by the election or appointment of women to offices from that of mayor to member of the police force. There are few official positions in county or municipality that are not filled somewhere by women and apparently to the entire satisfaction of their constituents. It is scarcely practicable to give a complete list of the women office holders of the country, but a few examples are here appended to show that there is no intrinsically insuperable objection to a woman filling a public official position, but these few will prove that the trend of opinion is in favor of the equality of the sexes in this respect at least.

*Mayor.* To begin with the important office of the mayor of a community: Warrenton, Ore., has a woman mayor, Mrs. Clara C. Munson, elected on the citizens' ticket by a majority of sixteen over her male competitor. Her council is composed of men, who work in complete harmony with their chief officer. Mayor Munson is the first woman to hold office in Oregon. Tyro, Kan., has for mayor Mrs. H. C. Defenbaugh, who was elected April, 1913, and in her council are Mrs. F. E. Herring, Mrs. R. A. Park and Mrs. Kate Newton, constituting the majority of that body. Hunnewell, Kan., has a woman mayor, Mrs. Ella C. Wilson. The story of the obstacles thrown in her way by her council has been spread over the country. Dayton, Wyo., has also a woman for mayor, Mrs. Susan Wissler. Arcadia, Ill., has not only a woman for mayor, Mrs. Kate O. Connor, but has all its other important offices filled by woman.

*City Treasurer.* There are quite a number of women filling the office of city treasurer. Among them may be mentioned: Mrs. Mary E. Sawyer, city treasurer of Montrose, Col., Charlotte Hebschle, of Leadville, Col.; Miss Elsie Cribbs of Idaho Springs, Colo.; Miss Laura Graham, Fairplay, Colo.; Mrs. Shackelford, Alma, Colo.; Miss Mary Davis, Ridgway, Colo.; Miss Antoinette Hilgenaus, Telluride, Colo.; Miss Lena Pleak, Greeley, Colo ; Miss Laura A. Jost, City Treasurer of Kansas City, Kan.; Miss Esther Bower, deputy treasurer of Kansas City, Kan.; Mrs. Minnie G. Taickey, City Treasurer of Rosedale, Kan.; Miss Jeannette Fredson of Shelton, Wash.; Lillie L. Crawford, of Charleston, Wash.

*County Treasurer.* Miss Gertrude Jordan for Cherry County, Nebraska, who has been reelected; Mrs. Wilhelm, Sheridan County, Wyo.

*City Comptroller.* Miss Bessie Townsend, City Comptroller, Atlantic City, N. J. appointed 1912, salary $1500. Only woman in the country holding such a position. Has care of $3,000,000 and sale of all bonds.

*Auditor.* Mrs. Carrie Truman, Pueblo, Colo., first woman elected to the office in the state; Miss Rose Moriarty, deputy auditor, Elyria, O.; Mrs. Merle A. Cutler, auditor, Kansas City, Kan.

*City Clerk.* Miss Geneva Graham, city clerk of Whittier, Calif., appointed for unexpired term; Mrs. Mary Ammerman, city clerk, Colorado City, Colo.; Frances Cahill, Las Animas, Colo.; Miss Beulah Ritz, Kansas City, Kan.; Mrs, Jessie Wirick, deputy city clerk, Georgetown, O. A woman town clerk has been re-elected many times in Londonderry, Vermont.

*County Clerk.* Miss Thyra Therkildsen, clerk of Laramie, Wyo.; Miss Bertha McDonnell, deputy clerk of Jefferson County, New York.

*Judicial Officers.* A woman is assistant judge in Juvenile Court, Denver, Colo., Mrs. Mary Bartelme. Mrs. Catharine Waugh McCulloch is justice of the peace, Evanston, Ill. Miss Clara Kaiser, deputy probate judge, Ottawa, Kan., reappointed. Miss Nellie Elder, deputy probate judge, Warren, O. Joplin City, Mo. has a woman justice of the peace,

appointed by the county court of Jasper County. Mrs. Mary A. Garrett, justice of the peace (for many years), Laramie, Wyo. Daly City, Calif., has a woman magistrate, with judiciary powers, who presides over the police court.

*Alderman.* Florence Driscoll, Alderman, Durango, Colo.

*Sheriff—County.* Mary A. Williams, sheriff of Laclede County, Mo., first and only woman in the state. Miss Mollie Spicer, deputy sheriff of Dutchess County, N. Y., appointed.

*Women Police.* Women police are no longer a novelty. They are usually appointed by the mayor and are now to be found in a number of cities through the country. Los Angeles, Calif., was the premier in this innovation, when Mrs. Alice Stebbins Wells was placed upon the police force. Mrs. Rachel Shatto is also a police officer in Los Angeles. San Francisco has three women police officers Denver, has one, Mrs. Josephine Roach. St. Paul, has two, Mrs. Margaret Kelly and Mrs. William Moore, who look especially after dance halls. In Minneapolis, Miss Emily Glorieux looks after young girls in dance halls. In Topeka, Mrs. Lillian A. King has especial care of wayward girls. The city has two policewomen. Baltimore, has a woman police officer, Mary Steele Harvey, who has received a commission and wears a regular badge. Dallas Texas, has one, Mrs. J. J. Farley, the first in the state. Long Beach, Calif., has a special police officer who is a woman—Miss Fanny Bixby. Sapulpa, Kan., has a "patrol woman" whose special charge is juveniles under sixteen who are on the streets after 8 p.m. Mrs. Mabel Bassett. Newport, R. I., has two police woman, who patrol the beach and give special attention to women in need of aid. Cleveland, O., Miss Margaret Chadsey, chief of Cleveland Sanitary Police, is tenement house inspector. Chicago, Ill., has ten women police officers, who are assigned to dance halls, bathing beaches, small parks and other places of amusement. Tacoma, Wash., Mrs. Winifred S. Covell, is a public morals officer. Chicago, Ill., public guardian—Miss Nellie Carlin.

*Matron.* Miss Charlotte Dye is matron of girls' home, Delaware, Ohio, only woman occupying a like position in the state.

*Board of Health.* Mrs. Myron J. Michael of Kingston, N. Y., is a member of the board of health in Kingston.

*Medical.* Oakland, Calif., city chemist, Miss Jessie V. Berry; Oakland, Calif. Dr. Pauline Nusbaumer, city bachteriologist. Ogden, Utah, Dr. Anna F. Ries is city physician and quarantine officer. New York, Miss Sophia Rabinoff, interne, Beth Israel Hospital, passed No. 1 in competitive examination (thirty men tried). Seattle, Dr. Fredericka Phillips, assistant city physician. Dunning, Ill., Miss Ada Bell McCleery is head of the tuberculosis institution. Chicago, assistant city physician, Dr. Clara P. Seippel.

*Civil Service.* Cook County, Ill., Miss Anna E. Nicholes, one of the three appointed commissioners. She is also secretary of the commission. Los Angeles, Calif., Mrs. David Chambers, civil service commissioner. Appointed by mayor.

*City Factory Inspector.* New Orleans, La., has a woman factory inspector appointed by the mayor and the appointment ratified by the city council. Wilmington, Del., factory inspector for the state, Miss Mary Malone, appointed.

*City Market Inspector.* Mrs. Sarah A. Evans is city market inspector in Portland, Oregon. She has full police power.

*Street Inspector.* Philadelphia, Pa., Mrs. Edith W. Pierce, street inspector.

*Superintendent Public Buildings.* Miss Vera Ryan and Miss Ida Anna Ryan have been appointed by the mayor of Waltham, Mass., assessors and superintendents of the public building department. In Spokane, seven women have been appointed to handle household assessments.

*Miscellaneous.* Denver, Colo., Mrs. Helen L. Grenfel and Miss S. McManus,

members of the vice commission. Sussex County, Del., Miss Eliza F. Teas, Commissioner—first in the state. Mrs. Ada F. Howie is a member of the state board of agriculture—appointed. Santa Monica, Calif., advisory council of seven women has been appointed by the mayor. Toledo, O., Mrs. G. A. Bissell, member of library board. Youngstown, O., Dr. Ida Clerk, president of library board, Boston, Mass., member of board of trustees of children's institutions, Miss Margaret Foley. Wichita, Kan., advisory board of five women appointed by mayor for civic and municipal affairs.

*Schools.* It is where the public school is concerned however, that women are found occupying positions of authority, in ever increasing numbers, in every section of the country. In the states where women and men vote on equal terms, the number far exceeds those in the states in which women are not yet enfranchised, but even in those women are elected or appointed to positions of importance, though the curious anomaly may be observed as in Pennsylvania that a woman is eligible to the position of school director or member of a board of education, yet cannot vote for such an office.

The school offices filled by women vary from state superintendent down to the ordinary advisory director, with no real authority, as in Philadelphia.

The number of these women school officers is too great to give complete lists, but a partial list is here appended that will give some idea of the extent of the movement to enlist the services of women in the management of the schools of the country.

*School Officers—State.* Colorado, state superintendent of public instruction, Mrs. Mary C. C. Bradford; elected. Washington, state superintendent of public instruction, elected, Mrs. Josephine Curtis Preston (first state officer elected in Washington). Wyoming, superintendent of public instruction—Mrs. Rose Bird Maley, elected; state superintendent of Indian schools—Miss Estelle Reals.

*School Officers—County, etc.* Illinois, Chicago, Superintendent, city, Mrs. Ella Flagg Young—elected. Alexander County, county superintendent, Fannie P. Hacker. Boone County, Elizabeth B. Harvey; Henderson County, Mrs. Della Yeomans; Johnson County, Emma Rebman; Macon County, Mary W. Moore; Mason County, Fannie S. Merwin; Menard County, Eva B. Batterton; Pulaski County, May S. Hawkins.

Wisconsin, Marietta County, Mrs. Gertrude Schwittay, elected.

Wyoming, Albany County, Mrs. Artisee A. Erickson, elected.

California, Sacramento City, Mrs. Luella B. Johnston, commissioner of education, school, health and sanitary conditions.

*City School Boards, elected.* Ohio, Warren, Mrs. Harriet Taylor Upton, president of board; Columbus, Mrs. Dora Sandoe Bachman, president of board; Cleveland, Mrs. Arnold M. Green, member of board; Cleveland, Prof. Emma M. Perkins; Warren, Mrs. Carrie P. Harrington, member; Warren, Miss Dora Kale, clerk; Cleveland, Mrs. Sarah Hyre, member; Elyria, Mrs. Emma S. Olds, member; Cincinnati, Miss Edith Campbell, member; Columbus, members, Miss Purcell and Ann Riordan; Loraine, Mrs. Eva Hills; Alliance, Miss Hartzell; Ashtabula, Miss Fannie Earlywine; Mansfield, Lillian McBride.

Illinois, Springfield, members of the school board, Mrs. S. J. Haynes, Mrs. Hugh T. Morrison.

Ohio, Cleveland, superintendent of schools, Miss Harriet L. Keeler. Chicago, Mrs. John McMahon, member of school board.

New York, East Meadow, Hempstead, Mrs. O. H. P. Belmont. New York City, N. Y.: Mrs. Sarah Levine, Mrs. Katherine A. Kerr; Mrs. Arthur L. Cahn; Mrs. Charles P. Pietz; Mrs. W. E. Williamson; Mrs. Mary S. Brewer, Miss Carlotta Russell Lowell, Miss S. Lewinson, Mrs. Jacques Loeb.

Massachusetts, Boston, Miss Fannie Curtis; school physician, Dr. Sarah M. Dadman.

Delaware, Newport, Mrs. Martha Cranston.

New Jersey, Bound Brook, Mrs. Arthur S. Phelps, Miss Caroline B. La Monte; Vineland, two women members of board; Jersey City, truant officer, Miss Caroline Kline.

Vermont, Rutland, has a woman school director.

Kansas, Kansas City, Dr. Jessie Newkirk.

Michigan, Flint, Mrs. John A. C. Menton.

Iowa, Des Moines, Miss Flora Dunlap (first woman in Iowa to be elected on a school board).

Kentucky, Lexington, Miss Anna J. Hamilton.

Connecticut, Hartford, Mrs. Elizabeth D. Bacon.

Wyoming, Laramie, Mrs. Nancy J. Brown, member.

Oregon, Warrenton, Mrs. J. W. Detrick, member; Miss Dula Townsend, clerk, elected. Skipanon District, Warrenton, Mrs. D. G. Malarkey, clerk, elected. Condon, Mrs. M. Fitzmaurice, (first woman elected director in the county). Bandon, Mrs. E. B. Kausrud (first woman elected to school board in Bandon). She was chosen by a large majority over her male opponent.

It is stated that there were 495 women superintendents of schools in 1912. In Missouri alone fifteen county superintendents were women.

Many cities and towns in Pennsylvania have elected women to fill positions on the local boards, such as Philadelphia, Pittsburgh and Swarthmore. Indeed the tendency is growing more marked in all the states to select women to aid in caring for the public schools.

*Legislators.* Colorado, Senate, Mrs. Helen Ring Robinson. House, Mrs. Agnes Riddle, Mrs. Frances G. Lee.

Washington, House, Mrs. Frances Axtell, Dr. Nena J. Croake.

Wyoming, House, Mrs. Anna B. Miller, Miss Nellie Truax.

*Miscellaneous.* Colorado has state and county superintendents of public instruction, city commissioners, alderman, city clerks and treasurers.

Wyoming has mayor, justice of the peace, county treasurer, state superintendent of public instruction, and twenty county superintendents, all women.

Dodge City, Kan., has 8 women on election boards at the 1912 spring election.

Wichita, Kans., half election boards were composed of women.

Portland, Ore., May 1913, women were judges and clerks of election.

JANE CAMPBELL,[1]

*Philadelphia.*

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**New York.**—Naturally the mayoralty election in New York attracted great attention throughout the country, not only because of the gravity of the issues involved, but because of the injection of the Sulzer episode. John Purroy Mitchel, the successful candidate although a young man, has had a considerable civic training. He was commissioner of accounts under Mayor McClellan and president of the board of aldermen during the past four years and was thus a member of the board of estimate and apportionment, in which he played a conspicuous part until his appointment as collector of the port by President Wilson. While serving as president of the board of aldermen, Mr. Mitchel worked in closest harmony with the New York bureau of municipal research. George McAneny, now president of the borough of Manhattan, and whom many wanted as the fusion mayoralty candidate, was nominated and elect-

[1] Miss Campbell has for years been one of the most active workers in the cause of equal suffrage, having been president of Woman's Suffrage Society of Philadelphia for twenty years, secretary of the American Catholic Historical Society, historian of the Site and Relic Society of Germantown, and chairman of the current events section of the New Century Club of Philadelphia.

ed president of the board of alderman, and William A. Prendergast was reëlected comptroller of New York. Marcus M. Marks was elected on the fusion ticket to be president of the borough of Manhattan. The board of estimate and apportionment is in stronger control of the fusionists than during the preceding four years, and this is the great significance of the recent election. There will be an opportunity to carry forward the plans that have been developed during the first term. A further significant incident of the election lies in the fact that the board is composed so largely of the same men. In other words, the same policies are to be carried out by substantially the same officials. There has been no reaction as in Cincinnati, and partially in Philadelphia.

The chief trouble with most progressive victories is that the successful candidates are apt to be untrained in public service and inexperienced in political management and in effective appeal to the electorate. Moreover they have protesting, individualistic, incoherent groups of supporters with no means of discipline and with a tendency to place supreme emphasis on their own particular views, and with an intolerant impatience.

These tendencies manifested themselves early in the New York campaign, but the anti-Tammany feeling grew so strong that it crystallized the fusion movement into a really effective campaign body, with the results already indicated. The New York officials-elect are experienced, but whether their supporters are really fused or only federated remains to be seen.

While there seems to be little disposition among thoughtful men to dispute the decision in the Sulzer impeachment trial, there was a general feeling that the charges against him would never have been preferred had the governor been willing to "go along" with Tammany, and it was this feeling which no doubt animated the fusion forces. In other words they felt that it offered a good chance to get rid of an unprofitable servant and visit a stinging defeat upon a selfish political organization at one and the same time. This plan was only partially successful, for the election of William Sulzer to the assembly after a practical confession of the truth of the charges against him, while it can be explained on the ground that it was due to a wave of East Side emotionalism, is nevertheless one of those events that make the judicious grieve and emphasize the need for more persistent and extended education of the electorate.

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**Schenectady.**—George R. Lunn, the Socialist mayor, was the candidate for reëlection. Although he received 835 more votes than in the contest of two years ago he was defeated because the Republican, Democratic and Progressive party organizations combined on a single opposing candidate. The fusion candidate was elected by a plurality of 1734.

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**Philadelphia.**—Concerning the Philadelphia election in which the Republican organization carried the city election by a majority of 17,803, *The North American* put the issue in this way:

> The contractor bosses fought . . . . to retain what they had held despite the political upheavals of the last two years—that is four county offices with great power and patronage, and second, control of city council. The logic of the situation made the Blankenburg administration the chief issue. . . . . In every political aspect the anti-machine forces were favorable. . . . . The really notable achievement of the present administration has been to make every department honest so far as that is humanly possible. This result is a reflection of the purity of character of Rudolph Blankenburg. . . . . If ever an administration seemed invulnerable, then it was this, but appearances were fatally deceptive. The contractors evaded the issue of the great good that had been accomplished and concentrated their fire upon certain acts of the mayor. Mr. Blankenburg was elected chiefly because the voters,

weary of contractor rule, believed that he would destroy the contractors' combine and free the city from the despoilers . . . . they cast their ballots enthusiastically for the "Old Dutch Cleanser" out with his war club against the dirt of graft and misgovernment. When after his election he doffed that vigorous character and appeared in the garments ot suave, get-together compromise, the first shiver of disappointment ran through the community. With Mayor Blankenburg on the Keystone ticket were elected enough independent councilmen to hold the balance of power. Within a few months of his inauguration most of them had been alienated. . . .

In time the popular mind became convinced that he was impotent to inflict punishment upon the machine or even to protect himself. Parallel with this sense of disappointment grew up a more serious feeling—resentment against his failure to keep an explicit campaign pledge. Philadelphians pay $1 per thousand feet for gas of which the company gets 80 cents and the city 20 cents. . . . . Mr. Blankenburg would not have been elected had he not repeatedly pledged that immediately upon taking office he would move toward canceling the arrangement whereby the city took 20 cents of each dollar paid for gas and would see that the price to the consumer was made 80 cents. . . . . It was thirteen months after his inauguration before the mayor acted. Last January in a message he announced as a New Year's gift that 80-cent gas would be arranged. Almost immediately the tide which had perceptibly set against the administration slackened . . . . The necessary ordinance was duly introduced, but when councils were ready to pass it the mayor sent a request that the measure be returned to him. Quick to use the advantage councils passed the ordinance and the mayor vetoed it.[1]

He came down from the Pocono mountains and sent a message to councils suggesting a municipal tax on manufactured goods. . . . . Even more fatal were his suggestions that taxes be laid upon occupations and upon household furniture.

The machine was quick to realize this opportunity and said in terms on the stump:

Men, Mayor Blankenburg wants to tax your occupations—you, a carpenter; you, a weaver; you, a stone mason; you, a textile worker. Why? Because you are industrious. There is to be no tax on the loafer, only on the worker. And, men, Mayor Blankenburg wants to tax your furniture—here it is in his message—he wants to tax your cook stove, your sewing machine, your wife's rocking chair, the baby's cradle. Is that the kind of an administration you like?

In concluding this survey of the situation *The North American* said:

But is not such a course very illogical? To be sure it is, but very human. These men voted against the administration because they feared higher taxes, and gave victory to the contractors who were planning to spend $150,000,000 of the people's money. They voted against the administration because it had not destroyed the gang, and by so doing perpetuated the gang.

*The North American* is quoted because from the beginning it has been a supporter of Mayor Blankenburg's administration.

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**Pittsburgh.**—The mayoralty campaign was long and bitterly fought. It was the first held under the new nonpartisan nomination law (the constitutionality of which is now before the Supreme Court). There were two candidates: Joseph G. Armstrong and Stephen G. Porter, the former supported by Senator Oliver; the latter by former State Senator William Flinn and Mayor Magee. Concerning the campaign the Voters' League (A. Leo Weil, president) in an official pronouncement said:

The League has no candidate. The League was organized to tell the truth about all candidates and all factions. Honest men, unblinded by partisanship, concede this. Though it has been assailed by those it attacked, no one yet has ever been able to point to a single selfish, self-seeking motive actuating the activities or the utterances of the League It has many enemies. It would be inane, ineffective, useless, if it did not have. In issuing its bulletins its purpose is to supply to the voter information about parties and candidates which

[1] It ought to be pointed out that the Mayor vetoed the measure because no steps were taken by councils to make up the deficiency thereby created.

is not accessible to a majority of citizens. It has no axes to grind. None of its executive committee is a candidate for any office, elective or appointive.

In the bulletin before the primaries the League called attention to what ought to be the issues of the campaign, and to the issues foreign to good government that had been injected into the campaign. It gave the records of the candidates. The campaign has continued, however, upon these foreign issues, and more attention has been given to the factions behind the candidates, than to the candidates themselves. This makes important the consideration of those factions by the voter.

The League, therefore, now proposes in this foreword to state the character of the influences behind the candidates. If they are bad, the voter must determine: is the candidate strong enough to resist them? If they are good, will the candidate be influenced by them? Depending on the weakness or strength of the candidate, these considerations accordingly become more or less important.

The summing up of these influences was distinctly more hostile to Armstrong than to Porter. The Voters' League pointed out that the utilities company, Senators Penrose and Oliver, and Max Leslie were supporting the former and Mayor Magee and former Senator Flinn ("once the personification of boss rule, now reformed" to quote the League's bulletin) were supporting the latter. Armstrong was elected by a majority of 2400.

**Norfolk.**—The election of November 4 was most encouraging to the independents who were organized under the head of the Citizens Party and the Welfare League. The contest was over the positions of the clerk of the corporation court, the city commissioner of revenue, the city treasurer, the city sergeant or jailor, the city collector, the commonwealth's attorney and two members of the legislature. The incumbents of the five offices first named constituting practically the city ring which has controlled the city government for years past nominated themselves to succeed themselves in office. About 9000 voters qualified, some 2500 or nearly 33 per cent more than had qualified at any previous election since the new constitution. The Citizens Party elected five out of the eight of their candidates and it is expected that the proposed contest of the election will show that all the rest of the ring candidates were defeated.

**Birmingham, Alabama.**—George B. Ward, who had satisfactorily served a term as mayor, under the old form of charter, was elected president commissioner on September 15 to succeed Culpepper Exum who was serving by appointment of the governor. The original commission was appointed by the governor so that Mr. Ward (who is a member of the council of the National Municipal League) is the first commissioner to serve by election of the voters. He had a clear majority over both of his competitors.

**Cincinnati.**—The defeat of Mayor Hunt for reëlection has been the occasion of country wide comment for it was generally recognized that he had made an excellent record and that his administration by all reasonable standards was a good one. He was young, vigorous, and deeply interested in constructive municipal policy. Nevertheless in carrying this out he naturally alienated various groups of former supporters at least in sufficient numbers to give his opponent a majority. To illustrate, an aggressive housing policy resulted in innumerable orders against the owners of tenement houses who characteristically made up their minds that the mayor was an enemy of their particular sort of property rights and they preferred the laissez faire policy of the preceding administration. The same was true with regard to the health department's policy. Then again the civil service administration resulted in holding in office the good men from the previous administration and of putting in competent men to fill vacancies, irre-

spective of politics or religion. As a result the administration had no machine with which to back its up political activities. There were sundry other causes which contributed to the result. No one was sufficient in itself to cause the overturn of the administration, but all together made defeat sure. No one denies, however, that the city is not better off by reason of the Hunt administration and that there will be no complete reversion to the prior order of affairs. Moreover there is a feeling that there will be a return of sentiment in favor of the Hunt administration and especially the policies for which it stands.

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**Cleveland.**—Mayor Newton D. Baker was elected the first mayor under the new charter after a bitter fight in which national partisan politics unfortunately played their part, but not so large a part as to defeat the mayor. In commenting on the results Mayor Baker said:

> The men elected to council are strong and experienced men, familiar with the city's business. The next two years ought to see the charter in easy operation, large public improvements now under way completed, and perhaps other necessary improvements started.

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**Toledo.**—Carl H. Keller, Republican candidate, was elected mayor by a majority of 775, receiving 16,741 out of 32,707 votes. Judge Charles E. Chittenden running on the Toledo ticket representing the Brand Whitlock support received 9479 votes and Cornell Schreiber, independent candidate, received 4056. The city council is wholly Republican, including three councilmen at large.

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**Canton, Ohio.**—Charles A. Stolbert, the Progressive candidate, was elected, beating out the Republican, Democratic and Socialist candidates. The Republicans elected a majority of the other candidates.

**Dayton and Springfield** elected commissions of five each, which are in turn to elect city managers.

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**Socialists** obtained complete control of four Ohio cities: Canal Dover, Coshocton, Hamilton and Shelby.

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**Los Angeles.**—The mayoralty election in June brings to mind the interesting events in connection with that office during the past six years.

Harper was elected mayor of Los Angeles in December, 1906, taking office January 1, 1907, for a three-year term. In the fall of 1908 he and several of his police commissioners began suit against the *Express* alleging libel. The alleged libelous matter was contained in editorials commenting upon an interview given by Thomas Lee Woolwine, then city prosecutor, who alleged that he was unable to prosecute vice successfully because he was hampered by the administration. The responsibility for this condition, he declared, rested with Mayor Harper. From that time on until he vacated the office, the facts in connection with Harper's alliance with vice became public, when such indignation was stirred that the Municipal League called a meeting of citizens, at which it was determined to circulate a petition for Harper's recall. This was done, and the same committee of citizens organized at the instance of the Municipal League chose George Alexander as a candidate in the recall election. The Socialists of Los Angeles also placed in the field another candidate, Fred C. Wheeler, who in June 1913, was elected the only Socialist member of the city council. He was one of the members of the board of freeholders which drafted the late defeated commission plan charter.

Under the old provisions of the Los Angeles city charter, the name of the incumbent whom it is sought to recall, automatically goes upon the ballot un-

less he shall notify the city clerk within a certain number of days prior to the primary election to take his name off the ballot. The *Express* had made every effort to get a trial of the libel suit brought by Harper against it prior to the election in order that the people might be informed of all the facts, but this Harper and his attorneys had succeeded in preventing. There was much sympathy expressed for Harper by the people who believed that he was being persecuted, and it was the belief of those very intimately connected with the recall movement that had Harper's name appeared on the ballot he would have been reëlected to office, particularly as there were two candidates running against him and a plurality would be sufficient to elect under the charter at that time.

A few days before the expiration of the time in which the incumbent might withdraw his name from the ballot, Harper, learning something of the testimony which had been secured in connection with the libel suit, declared that he would resign his office and at the same time order the city clerk to remove his name from the ballot. This he did almost immediately afterwards, filing both a resignation and a withdrawal. Both became operative immediately. In fact Harper was not recalled at all. The council met and accepted his resignation as mayor and elected as mayor in the interim William D. Stephens, now a representative in congress from the tenth district of Los Angeles. Stephens occupied the office for about five weeks and turned it over to Alexander upon his election in March, 1909.

Wheeler, the Socialist candidate, polled a very large vote against Alexander, the latter winning by only 1500 majority. Nearly all of Harper's friends, all of the old Southern Pacific crowd, all of the liquor and corporation interests, the gamblers, the followers of the red-light district—all in common supported the Socialist candidate.

Alexander was reëlected in 1909 and again in 1911 for two years, but the term was cut short by a charter amendment adopted early in 1913, changing the date of elections from December to June. This change in time for holding elections was incorporated in the defeated charter. This provision, together with many others, was submitted to the voters in the spring of 1913 as an amendment to the old charter, and was adopted.

Incidentally the first Alexander election revealed some of the weaknesses of the recall provision of the city charter as originally drafted. Had Harper's name remained upon the ticket, with Wheeler and Alexander running against him, he could have retained his office with only 34 per cent of the voters favoring his retention and 66 per cent desiring to recall him. To correct this evil the recall provision later was changed so that the voters first vote upon the question, shall the incumbent be recalled, "yes," "no." The incumbent's name does not now go upon the ballot at all. If there are more "yes" votes than "no" votes, the official is recalled, and the vote for the other two candidates for the office then is counted, the highest being declared elected.

CLINTON ROGERS WOODRUFF.[1]

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**Prosecution of Election Frauds in Cook County, Illinois.** Upon a petition presented to the circuit court of Cook County supported by affidavits, in December, 1912, a recount of the votes cast for state's attorney at the general election on November 5, 1912 was ordered. While the result of this count did not unseat Mr. Hoyne, the Democratic incumbent, they showed that thousands of votes had been counted for him which had in fact been cast for his Socialist and Republican opponents, William Cunnea and Lewis Rinaker. They showed an

[1] These notes have taken the place of Mr. Woodruff's former survey of political events appearing in his annual review. This latter now deals with the broader questions involved. See NATIONAL MUNICIPAL REVIEW, Vol. III, page 1.—C. A. B.

extensive marking and alteration of ballots in favor of Mr. Hoyne and against Messrs. Cunnea and Rinaker, after the close of the polls on election day.

Mr. Hoyne while denying that any considerable fraud had been committed in his behalf insisted at first that he, as state's attorney, should prosecute any frauds, the evidence of which might be presented to him. Those vitally interested in a vigorous prosecution of the crimes and frauds committed in Mr. Hoyne's behalf, insisted that he was disqualified under the law of Illinois from prosecuting such cases, in that the statute provides for a special prosecutor in all cases where the state's attorney's personal interests are involved; and in support of their claims pointed out that he was the beneficiary of the very crimes which he proposed to prosecute, and the perpetration of which he steadfastly denied. Accordingly, late in May, 1913, these parties presented a petition to Judge Cooper of the Criminal Court for the appointment of a special state's attorney and the empaneling of a special grand jury to deal with these alleged crimes. Mr. Hoyne suddenly changed front and while this petition was pending, appeared before another judge of the criminal court, a half hour before the opening of court on the following day, and upon presenting a petition secured the appointment of Mr. Clyde L. Day, as a special prosecutor, agreeable to him, together with an order for the immediate calling of a special grand jury to investigate such frauds and crimes as may have been committed in his election. A half hour later he appeared before Judge Cooper at the opening of court and informed him that he had been "anticipated" in the appointment of a special prosecutor and the calling of a special grand jury. Judge Cooper, however, after an inquiry into this procedure condemned it as an imposition upon the courts, retained jurisdiction, and ordered that a special grand jury be empaneled to deal with the matter. As soon as this jury met, he appointed John E. Northup special prosecutor, in an order giving him far greater powers to investigate frauds and crimes than were given to Mr. Day and directing the grand jury to conduct a most searching investigation of all crimes and frauds committed in the fall election. Mr. Hoyne by *quo warranto* proceedings then attacked without success in the circuit court, the appointment of Mr. Northup.

The circuit court still retained jurisdiction over the ballots and other election evidence and Mr. Day applied thereto for the use of these in his investigations. Mr. Northup also applied to the court for the use of this evidence; and after a careful consideration of the matter the judge of that court decided that Mr. Northup, and not Mr. Day, should be permitted to use the ballots and other evidence, placing his decision largely upon the ground that the public would have little confidence in an investigation conducted by a prosecutor named at the instance of Mr. Hoyne. Mr. Day thereupon resigned as special prosecutor and the special grand jury called on the petition of Mr. Hoyne, was dismissed.

Alexander A. McCormick, president of the county board, and the finance committee of that body at once made an effort to make an appropriation for the use of Mr. Northup in the investigation of the alleged election crimes. This action was, however, bitterly opposed by a minority of the board and by Mr. Hoyne, who went to the extent of declaring that the members of the board would render themselves liable to indictment by appropriating money for the proposed investigation. Efforts were repeatedly made by Mr. McCormick and a majority of the board to pass the appropriation, but the minority proved strong enough to defeat each effort.

Notwithstanding this adverse action of the board, Mr. Northup began a vigorous investigation of the alleged frauds and crimes early in July and a number of men were soon indicted for altering ballots and falsifying returns.

The fact that no funds were forthcoming from any source in support of the investigation began, however, about this time to threaten an end of the inquiry. Mr. Northup had difficulty in retaining the services of investigators and attorneys. Reports were persistently circulated in the localities under investigation that the whole movement would soon end for want of funds and that the men under indictment would escape prosecution. These reports greatly handicapped the investigation and Mr. Northup appealed directly to the county board, stating that the action of the minority of that body in repeatedly defeating an appropriation constituted the most effective protection to the men who had committed crimes at the election, and declaring that their continued refusal to appropriate would compel him to appeal directly to their constituents for funds with which to complete the investigation.

This had no effect upon the minority but Mr. McCormick and the majority of the board who favored an appropriation, at once started a subscription and made an appeal to the public for financial support, expressing their condemnation of the election crimes and pointing to the fact that the minority by their action had approved of such crimes. This appeal met with an immediate and substantial response and many thousands of dollars were contributed by the public in support of the investigation. With the funds thus subscribed came a deluge of letters condemning the action of the minority of the board and the conduct of the men who sought to smother the investigation.

With this effective support the grand jury investigation proceeded and is now nearly complete. It has resulted in the indictment of about eighty men for marking and altering ballots after the close of the polls on election day and for falsifying the returns. Among these are many judges and clerks of election a number of precinct committeemen and several politicians of prominence, including the deputy commissioner of public works of the city of Chicago, an attorney on the staff of the drainage board and an assistant state's attorney in the office of Mr. Hoyne.

The investigation has disclosed the fact that in a large proportion of the voting precincts of the city the election officials failed to enforce the safeguards against fraud and crime, provided by the election laws, in consequence of which it became easy for petty politicians and precinct workers to commit the grossest frauds and crimes with little fear of detection. In fact under cover of these irregularities and the indisposition of election officials and attendants to disclose facts against their friends, a great number of indictments have been prevented where the evidence of serious crimes is clear and positive.

The ballot at the general election contained over fifty candidates on each ticket for six parties, and it was found that in many single precincts alterations of votes running into the hundreds were made. In fact in several precincts in each of a dozen wards alterations in the ballots of from ten to more than one hundred votes were made in favor of candidates for leading county and city offices. In many precincts a combination existed betweed those guilty of this practice to favor the candidates of different parties. However the alterations in favor of Mr. Hoyne were more general and numerous than those for any other candidate. This was obviously due to the fact that Mr. Cunnea, the Socialist candidate developed unexpected strength at the election, and soon after the polls closed seemed likely to win out. This fact required greater effort on behalf of Mr. Hoyne than for the other candidates and the means of counting in or out certain candidates by criminal methods being at hand, it was used in his behalf to the extreme, and by a widely concerted effort.

In the trial of men under indictment, soon to be undertaken, it is expected that the validity of certain parts of the elec-

tion law will be vigorously attacked, and that every technicality possible will be resorted to in excluding the evidence offered by the prosecution. On the other hand it is believed by Mr. Northup and his associates that the law is not open to successful attacks and that their evidence will result in convictions and a consequent disclosure of the guilt of many men not yet under indictment.

Those interested in the prosecution point to the fact that election crimes in Chicago and Cook County have been notorious for many years; that the system of crimes which prevailed at the last general election had been perfected in many preceding elections until the participators therein had become emboldened to such a degree that they had little fear of the law; and that the prosecution of the cases now pending should mark the end of the system.

ANDREW H. YOUNT.

*Chicago.*

## IV. MISCELLANEOUS

**Legislative Investigations.**—The following investigations of subjects of municipal and related interest have been authorized by the states during the last year. The investigations in most cases are now under way and reports will be made before the next meetings of the legislatures:—

The commission, appointed in 1911, has been continued in *Pennsylvania* to investigate the *building laws*. Reports to be made in November 1914.

A committee was appointed in *Illinois* to continue the investigation and inquiry into the methods of all *charitable institutions* licensed by the state to handle and dispose of children under juvenile law, to investigate their accounts and to see that they are not engaged for profit under the name of charity. Report to be made to next legislature.

An act in *New Hampshire* provides for the appointment of a commission to investigate matters relating to the welfare of the *dependent, defective and delinquent children* of the state.

A joint committee in *Pennsylvania* to investigate the workings of the *civil service laws* of the cities of the first class.

An *Ohio* commission, to investigate an equitable method of *weighing coal* at the mines, is required to report to the Governor by December 1, 1913.

*Nebraska* has a permanent public welfare and conservation commission consisting of the governor, chancellor, secretary of board of agriculture, director of conservation survey and director of legislative reference bureau, to have general advisory authority over all surveys paid out of public funds and authority to prepare and publish material relative to Nebraska.

The *Massachusetts* legislature has passed a resolution calling for an international commission on the *cost of living*.

The Pennsylvania legislature has authorized the governor to appoint a *state dependents* commission to cover the care, education and support of those who are by accident, misfortune, sickness or disease dependent upon the generosity of the citizens of Pennsylvania. Report is to be made in September, 1914.

A special commission is investigating *drunkenness in Massachusetts*. Hearings begin in Boston, October 6.

A commission to investigate the *educational system* and conditions in *Vermont* was authorized by the last legislature. Chairman John H. Watson.

A committee in *New York* is authorized to investigate the conditions under which manufacture is carried on in cities of the first and second class, and to inquire into the *wages* in all industries and conditions under which labor is carried on.

A special legislative committee was authorized in *North Carolina* to investigate the business of *fire insurance*, especially the premium rates charged. To report to legislature, 1915.

An *Ohio* legislative committee assisted by the insurance department and the attorney-general has made an investigation of *fire rates* and the methods of rating bureaus. Their report was to be presented on September 1, 1913.

The *insurance* commission of Illinois has been continued to investigate the question of the classification of physical conditions of property as a basis of *fire insurance rates* and to arrange a *codification* of the insurance laws of Illinois.

The *Ohio* legislature of 1913 provided for an *Ohio flood relief commission* to assist citizens to recover from losses incurred during the flood of 1913, but it has recently disbanded and turned the remaining work over to the Red Cross Society.

A commission has been appointed in *Pennsylvania* to report to the next legislature, all matters pertaining to *cold storage* and the preservation of food products etc.

The *Massachusetts* commission on conditions of *immigrants* is now holding hearings in various cities. Their report will be made in January. Bernard J. Rothwell is chairman.

An investigation is being made in *New Jersey* of the condition, welfare, distribution and industrial opportunities of *immigrants*. Report to be made in 1914.

The state board of *insanity in Massachusetts* is investigating the establishment of social service work for prevention and subsequent care in state hospitals. Report to be made in 1914.

The committee in *Pennsylvania* to investigate the *recording* of deeds, mortgages, *the transfer of lands*, the insurance of titles etc. which was appointed in 1911 has been continued.

*Nebraska* has a legislative committee to report *program of reforms* in legislation and administration for the next legislature acting in connection with the legislative reference bureau.

The commissioners of agriculture, in coöperation with the farmers' union and fruit growers association of *Maine* are investigating the subject of *marketing* and of purchasing farm supplies. Report to be made in 1915.

The state board of health of *Massachusetts* will report in 1914, what further impediments to *marriage* should be recognized.

A *minimum wage* commission has been provided for in *Michigan*. The minimum wage commission of *Minnesota* is investigating the wages and living conditions of women and girls. Miss Ella Evans, secretary.

A commission is inquiring into the subject of *pensions* or other relief *for widowed* mothers in *New York*. Report to be made in 1914.

Dr. Emery E. Hayhurst of Chicago is in charge of an investigation which is being conducted by the *Ohio* state board of health on the subject of *occupational diseases* under a law of 1913. Their report is to be made in 1915.

The industrial commission of *Wisconsin* is making a special investigation of *old age pensions*.

There is a *Rhode Island* commission to revise, codify and amend the *settlement laws* of the state. To report not later than the January session, 1916. Chairman, Edmund Walker, South Kingstown.

A commission was appointed in *Massachusetts* to devise a compulsory system of state and municipal *pensions*. Report to be made to the 1914 legislature.

*White slave traffic in Massachusetts* is being investigated as to the causes and remedies. Report is to be made in 1914.

A conference board of two persons from each state in *New England* was provided for by the several legislatures to consider the problem of railway development in the interests of the public. Report to be submitted in 1915.

A commission is investigating the subject of *recreation* in *California*, including recreation in rural communities as well as small towns and cities. Report to be made in November, 1914.

A commission in *Minnesota* is investigating a plan of organization and administration of the *public school systems*.

Also to report on *vocational training*. Report to be made in December, 1914.

*Nebraska* has a commission of seven to act in coöperation with reference bureau in revising *school code* of the state.

A survey of the public, normal and agricultural *schools of Ohio* will be made between now and the special session of the Assembly next January. H. L. Brittain of the New York Bureau of municipal research is in charge of the investigation.

An act in *New York* provides that the commission on *efficiency and economy* shall investigate and gather statistics and make report to the legislature upon the subject of the cost of providing free text books in all the schools within the state, supported by the state and its subdivisions.

Railway commission and Boston transit commission will investigate the *street railway service in Boston*. Report to be made in 1914.

Commission appointed to revise and modify *New York tax laws*. A committee is appointed to coöperate with the *tax* commission to investigate taxation and exemption in *Oregon*. Report to be made in 1915.

The house of representatives of *Massachusetts* authorized an investigating committee to investigate the present means and methods employed in checking the spread of *tuberculosis*. Mr. Biglow of Framingham is chairman. Report to be made in 1914.

A committee was appointed in *Illinois* to investigate the subject of *unemployment* together with the causes and effect of idleness. Commission shall report to the general assembly at next session.

The state board of charities of *Massachusetts* has appointed a committee to investigate the establishing of an *industrial home* for vagrants. Report to be made in 1914.

A special commission was appointed last Spring in *Massachusetts* to investigate the subject of *vice*. Dr. Walter E. Fernald of Waverly is chairman.

A special investigating committee in *Wisconsin* is at work on the question of vice, with special reference to the *social evil*.

The chairmen of the board of harbor commissioners, of the board of gas and electric light commissioners and the attorney general of *Massachusetts* form a commission to investigate what legislation is expedient to promote the equalization of the *flow of water* in rivers and streams. Report to be made in 1914.

A commission has been appointed in *Indiana* to investigate the hours and conditions of *labor of women*. Report to be made in 1915.

The house of representatives of *Massachusetts* authorized a committee to investigate the conditions under which *women and children labor* in the various industries and occupations. Mr. Tufts of Waltham is chairman.

JOHN A. LAPP.

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**Census of Cities.**—Soon after the present administration came into office a new director of the census was nominated and in midsummer, after weeks of delay, the nomination was confirmed. The outgoing administration of the bureau had laid stress upon the improvement of census plans and statistical technique. It had fallen short mainly on the administrative side. Congress, or at least the house of representatives, had become indifferent or hostile and as a result had withheld the appropriations needed for completing the thirteenth census. The results which the law declared should be published not later than the summer of 1912 had not fully appeared a year later, when the change of head was made.

Under these circumstances, an administrator and politician, who had no claim to rank as a statistician, was nominated as director. This step aroused some criticism, but was defended by the need for reorganizing the office and regaining the support of congress. After he had become somewhat familiar with the problems before him, the new director appointed a committee of five statisticians and requested them to advise

him about various technical questions with which the office was faced. This commission included two former directors of the census, S. N. D. North and W. R. Merriam, and three others who had held less important positions in the census office, Messrs. D. C. Roper, W. S. Rossiter and W. F. Willcox.

The committee assembled and organized September 15 and met in daily session during the following week, at the end of which it formulated a series of recommendations designed to bring the arrears of office work up to date by the end of the calendar year 1913. The detailed recommendations included abandoning a large part of the tabulation on occupations for which neither the time nor the money was available, limiting the special report upon the language spoken by the foreign-born, and curtailing and thus expediting the annual reports, which had been crowded to one side by the emergency work of the 13th census.

With reference to municipal statistics they specifically recommended as follows:

> That the annual report of the financial statistics of cities for 1912 be completed and published by January 1, 1914, by curtailing the amount of detail to be included; that the schedules and report for 1913 be similarly curtailed; that the reports for the years 1912 and 1913 be printed without text, except such as is necessary for explanation and definition, and that until the annual reports on the financial statistics of cities are brought up to date, no attempt be made to prepare a report on general municipal statistics. This recommendation is based on the fact that delay in the compilation and publication of the annual municipal reports detracts seriously from their value.

While the committee was holding this session, its attention and that of the census office were called to a recent federal statute which prohibited the appointment of any commission without direct authorization by congress. While the action taken by the new director in appointing them as special agents was not a direct violation of this law, yet some of the commission felt that to continue their work under the circumstances might expose them and the office to criticism. The original task before the committee was clearly divisible into two branches: (1) recommendations affecting the existing situation in the Census Bureau, and (2) recommendations affecting its future work until the fourteenth census should begin. As their first session had completed the recommendations on the first topic and thus solved, so far as they could solve it, the immediate problem, the commission is considering whether its work should be carried to completion or discontinued at the stage now reached.

Walter F. Willcox.
*Cornell University.*

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**New York Constitutional Amendments.**—The New York City Club has been waging a vigorous campaign for some years to secure an amendment to the state constitution providing for excess condemnation. An amendment to that effect was submitted a year ago and defeated, but this year another and more effective amendment was submitted on November 4 and has been adopted by a majority of about 100,000. The Club has published a pamphlet on the subject. Other amendments to the state constitution were adopted at the same time, one providing for workmen's compensation to overcome the decision of the court of appeals in the Ives case. Another amendment relating to water power was passed. Amendment number 3 creating two additional justices in Kings County and making possible provision for additional justices in other counties passed by a small vote.

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**The Chicago Women's Club** has been prominent for sometime for its active interest in the improvement of municipal conditions in Chicago, and a review of a few phases of its work during the past

year shows it especially notable for setting an example of definiteness in its efforts that reflects great credit upon the organization. In the city wide effort for greater cleanliness, the club was an important factor in securing the active coöperation of not only the city departments but also the citizens and the school children. It pushed the extension of summer recreation and bathing facilities in the city, and carried through an ordinance designed to protect the milk supply of the community. It successfully came to the assistance of the Sanitary Board when the Board of Health was threatened by a crippling and inadeqate appropriation. It was instrumental in carrying through both houses of the state legislature a bill for the registration of births, and it is, at the present time, running down the causes that led to the death of an inexplicably large number (31) of children through scalding during the past year with a view of taking preventive steps.

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**Boston's Mothers' Day and Picnic.**—The first mothers' day and municipal picnic held in Boston not long ago under the direction of Mayor Fitzgerald promises to become a permanent feature of the city's life and at the same time furnishes a good example of what municipalities can do in the interest of general recreation. Between fifteen and twenty thousand mothers and children were treated to an outing and entertainment at the beautiful two hundred and forty acre suburban reservation, Franklin Park. While millions of children throughout urban America are provided with day outings to the seashore and country few mothers find opportunity for such excursions.

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**Boston City Club to have New Home.**—The members of the Boston City Club are to be congratulated upon the prospect of an early completion of their new club house which is to be located at Somerset Street and Ashburton Place. On October 29, Ex-President Taft, in the presence of Governor Foss, Mayor Fitzgerald, as well as other notable members and hundreds of citizens, laid the corner stone. The club membership now includes nearly 4500 men of the best representatives of every class of citizens in Boston and constitutes one of the greatest forces that have helped to make the metropolis of New England one of the first cities of the land in civic spirit.[1]

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**Buffalo Educational Union.**—Coöperation among the educational societies of Buffalo is promised by the formation of an educational union in that city. The membership of the Union at present includes five institutions, their trustees and executive officers. An executive committee has been been assigned the duty of recommending to the different educational societies of the city means of coöperation and elimination of effort. As its first step, it is preparing a comprehensive directory of the various educational societies in Buffalo.

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**League of Kansas Municipalities.**—Any city in Kansas may appropriate out of the general fund annual dues to the League of Kansas Municipalities not to exceed $5 per thousand inhabitants and to pay actual expenses of not more than two delegates to annual meetings.[2] This law was asked for by the league to encourage its work and increase interest.

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**Right to Exhibit Given.**—Under a law of 1913, any city in *New Jersey* may hold exhibits of its various departments annually under the direction of a commission composed of representatives of each board or department. An annual tax for the purpose is authorized.

[1] See reference in dinner address of Addison L. Winship, secretary, *infra*.

[2] Chap. 83, L 1913.

**Restriction in Hours of Labor.** Under a law of 1913 employees of cities of over 100,000 population in Illinois must not be compelled to be on duty more than ten consecutive hours in the day time nor more than fourteen consecutive hours at night, except in case of great emergency.

✻

**Miss Alice S. Tyler,** for thirteen years secretary of the Iowa library commission and director of library extension in Iowa, has been appointed a director of the library school of the Western Reserve University.[1]

✻

**Charles M. Loring,** known throughout the northwest as the Father of the Minneapolis park system, was the guest of honor at a public dinner on his eightieth birthday. For years, Mr. Loring has been actively interested in all forward movements. He has been a member of the National Municipal League for many years and was at one time president of the American Park and Outdoor Art Association.

✻

**Mrs. Charles Farwell Edson,** a member of the council of the National Municipal League, is the subject of a strong article by Peter Clark Macfarlane in *Collier's* for November. He spoke in more or less detail of the work which Mrs. Edson had done for progressive measures in California.

✻

**C. G. Morrison** has been made executive secretary of the Seattle Municipal League.

✻

**Walter Burley Griffin,** the Chicago architect who was awarded the first prize for preparing the best design for Camberra, the new capital of the Commonwealth of Australia,[2] has recently been chosen to supervise the carrying out of the plan as modified by the Australian authorities.

✻

**Harvey N. Shepard** of Boston is giving a course of lectures upon municipal government in the Boston University School of Law.

✻

**Dr. Herman G. James** of the department of government of the University of Texas and a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW, has been elected secretary of the newly organized League of Texas Cities.

✻

**John Nolen** of Cambridge, the well known landscape architect and a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW, was made doctor of science at the installation of President Powell of Hobart College.

✻

**Henry S. Gilbertson,** the executive secretary of the National Short Ballot Organization and a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW, is preparing a volume on "Expert City Administration" for the National Municipal League Series published by D. Appleton and Company.

✻

**Hon. Charles R. Miller,** governor of Delaware, has joined the League.

✻

**Hon. Louis Will,** for years a member of the National Municipal League, was elected mayor of Syracuse, New York, on November 4 on the Progressive ticket.

✻

**Dr. Carol Aronovici.**—Realizing the close relationship that exists between the problems of providing adequate and attractive homes for the people and the bearing that town planning has upon all

[1] See NATIONAL MUNICIPAL REVIEW, vol. ii, p. 255.
[2] See NATIONAL MUNICIPAL REVIEW, vol. i, p. 718.

architectural work, the *Journal of the American Institute of Architects* has established a department of housing and town planning which is to begin with the January issue. Dr. Carol Aronovici, secretary of the Suburban Planning Association of Philadelphia, has been placed in charge of this department.

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**Robert M. Jameson** has been appointed a member of the school of government in the University of Texas in the capacity of secretary of the bureau of municipal research and reference maintained by that department under the directorship of Prof. Herman G. James. Mr. Jameson is a graduate student in the university and is taking his master's degree this year in municipal government.

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**Civic Secretaries Committee of the National Municipal League.** The civic secretaries committee met at Toronto November 12. The meeting was called at noon at Hotel King Edward. In the absence of the chairman, Elliot H. Goodwin of Washington, D. C., who is convalescing from a recent operation, the meeting was called to order by the treasurer, Addison L. Winship, of Boston.

Secretary John Ihlder, of New York, read the minutes of the last meeting and outlined the purposes of the meeting. after which the reports of the treasurer and executive committee were heard.

The committee then proceeded to the election of officers. A letter was read from Chairman Goodwin expressing the opinion that there was much of benefit to be accomplished by the committee, and declining reëlection on account of his duties in Washington. The following officers were then elected: chairman, Addison L. Winship, of Boston; secretary, Winston Paul, of Jersey City, N. J.; treasurer, Miss H. Marie Dermitt of Pittsburgh, Pa. After discussion it was voted that the executive committee consist of five members instead of three as formerly, this committee to comprise the officers and two additional to be appointed by the Chairman. The chairman appointed John Ihlder of New York and Stiles P. Jones of Minneapolis.

The important matter of membership dues was discussed, and it was decided that $2 be fixed as the annual dues.

The topics arranged for discussion at this meeting in Toronto were of such interest that it was found impossible to consider them properly in the time allotted by the program. However at two sessions of the Committee, the following topics were taken up, the secretaries from several states participating in the discussion:

1. When it is necessary to take up a new piece of work not closely related to work already under way, should there be a new organization formed for the purpose, or should an existing organization extend its scope by the addition of a new committee, or in other ways?

2. Methods of financing civic and social organizations.

3. What is the value to a town of a city club or other citizens' organization which undertakes no propagandist work, but furnishes simply a meeting place and an open forum?

4. What is the difference in function between a citizens' organization and a department of the government?

At the second informal meeting, which was more largely attended than the first, expression was made by every member present that the scope of the committee should be broadened so as to include the secretaries (under salary) of all organizations whether affiliated with the National Municipal League or not, but engaged in civic work.

It has been found by the experience of the last three yeas that the interchange of ideas and publications has been of mutual benefit. Methods of financing, arousing of interest and holding it, in the work of local bodies differs in the various cities, and the secretaries of these various organizations upon comparing notes, discover new plans that

have been put into practical operation in their own cities.

It is the purpose of the civic secretaries to secure reports from every city of prominence, not only for the purpose of increasing the effectiveness of this particular organization, but also to act as a feeder for the parent body, the National Municipal League. To this end the members of the committee are asked to communicate immediately with the secretary, giving such information as they possess or may acquire, regarding organizations in their immediate vicinity.

It is also the purpose of the executive committee to issue during the year several bulletins containing information or suggestions that may be of value to members. All of this preliminary work is a part of a plan to prepare for at least three meetings during the convention of the League in 1914, where papers will be presented bearing upon the personal duties and experiences of secretaries.[1]

ADDISON L. WINSHIP.[2]

[1] The following from the call issued for the Toronto meeting of the committee is the programme which was followed in the discussions:

1. When it is necessary to take up a new piece of work not closely related to work already underway, should there be a new organization formed for the purpose, or should an existing organization extend its scope by the addition of a new committee, or in other ways?

The committee on police in New York City is an instance of a new committee formed to take up a new job. This probably was a more effective way of handling the problem than by turning the work over to an existing organization. But there is constant assertion that there are too many organizations already, that there are neither men to run nor money to finance them all. Yet it sometimes seems impossible to continue to saddle new jobs on old organizations because; first, most live organizations are already well loaded and so not in a position to take up the new job if it is a big one and requires years of steady, hard work. Moreover, a new job often means division and weakening of interest and strength. A propagandist organization is usually strong in proportion as it confines its attention strictly to a few questions on which its members are thoroughly united; second, the old organization, if it amounts to anything, has accumulated enmities which are transferred to its new job and form a needless handicap to that job; third, it is against public policy in a democracy to have one bunch of people doing everything, let alone the fact that such an attempt on the part of one group is very likely to raise such a popular prejudice against them as will defeat them.

Granting all this, how are we to organize the citizens of a community so as to secure the greatest effectiveness and the greatest elasticity?

2. Methods of financing civic and social organizations.

This is a question of perennial interest because it has never been satisfactorily answered. New answers are constantly offered, however and some of them are worth hearing.

3. What is the value to a town of a city club or other citizen's organization which undertakes no propagandist work but furnishes simply a meeting place and an open forum?

There are "practical" citizens in every town who have no time to talk, they must be up and doing. How much time and effort do they waste in recovering from false starts and beginning again? What value has the "open forum" besides its practical value?

4. What is the difference in function between a citizens' organization and department of the government?

The answer to No. 4 may be easy for the civic secretaries but it is not easy for many of the members of their organizations. For this reason it would be well to have it clearly stated.

[2] Secretary, Boston City Club.

**American Society of Municipal Improvements.**—The principal feature of the Wilmington convention held October 6 to 9 was the consumation of the amalgamation of the Association for Standardizing Paving Specifications with the older organization. This action resulted in a full discussion of the question involved and in the formulation of important conclusions. The first report of the committee on standard forms for receiving bids and recording costs for municipal improvement was made. A. Prescott Folwell having resigned as secretary, Charles Carroll Brown of Indianapolis was elected his successor.

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**City and Town Planning Conference.**—The first conference of a state-wide character in Massachusetts was held in the State House, November 18 and 19 at the call of the governor and at the suggestion of the homestead commission. It is interesting to note that public health, housing and transportation received a large share of attention at the

hands of competent speakers. Another session was devoted to the development of public opinion.

The real estate men had their national meeting in Quebec and gave attention to city planning, several speakers showing that it was a source of municipal economy not only in the first development but in the cost of operation.

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**A National Fire Prevention Convention** was held in Philadelphia the week beginning October 13, under the auspices of the Philadelphia department of public safety, which was perhaps the most significant feature of the meeting. It was the sense of the convention that all building construction and reconstruction should be under direct governmental control, state or local, to the end that the greatest safety for the greatest number for the present and future should be assured, and that the classification of building construction should be entirely one of relative ability to resist attack by fire, and therefore in all building codes the term of fire proof should be replaced by fire resistive and that ordinary frame construction should be classified as combustible.

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**State Municipal Leagues.**—The Pacific Coast leagues of municipalities have developed a large measure of activity. The California association is of course the pioneer and its meeting at Venice early in October was up to the usual high standard. Not only were the numbers in attendance large, but the discussions were vigorous and to the point and were naturally in a way to be of the maximum effectiveness. In addition there was a municipal exhibit that proved most helpful. Steps were taken to hold an international municipal congress in connection with the Panama-Pacific Exposition in 1915.

*The League of Washington Municipalities* met at Spokane November 19 to 22 and discussed a long series of important questions.

*The League of Pacific Northwest Municipalities* covering Idaho, Washington and Oregon, and working in coöperation with the League of California Municipalities held its annual meeting in Portland on October 1 and 2.

*An Oregon Civic League* along the lines of the Ohio Civic League has been formed.

*League of Kansas Municipalities.*—The success of municipal ownership, the benefits of simplified and responsible city government and the need of a constitutional amendment granting the cities and towns of the state home rule in local affairs were the subjects which featured most prominently at the fifth annual meeting at Kansas City, Kansas, October 8 to 10. The meeting was attended by 90 municipal officials from 45 of the 78 membership cities of the League. On the roll call of municipalities, a feature of the convention, city after city told of its municipal improvements and problems during the past year, and spoke of the results attending under the form of government it was operating, relating the benefits gained by it through municipal ownership. Kansas City intimated that it was considering the municipalization of its street railways and Ottawa told of its consideration of a municipal telephone system. The League went on record for a campaign for the submission and adoption of a constitutional amendment granting home rule to cities in municipal affairs. Next year's convention will be held at Lawrence, the seat of the state university. Charles Homer Talbot of the municipal reference library of the university, is secretary of the League. Dr. Herman A. Brauer of the University of Washington and at the head of the bureau of municipal research in that institution, serves in a similar capacity for the League of Washington Municipalities.

*The League of Minnesota Municipalities* was formally organized in St. Paul on October 17. The report of the reso-

lutions committee favored a law that would leave the cities the right to grant charters to and to control public utility corporations. This was unanimously adopted. Prof. Richard R. Price of the University of Minnesota was made secretary of the organization, thus further illustrating the tendency to affiliate the universities with municipal administration.

*The League of Michigan Municipalities* which has had some hard times of late held a successful meeting at Jackson and now seems to be on the road to greater efficiency. Alderman George H. Curtis of Jackson is the secretary.

*The Iowa League of Municipalities*, one of the oldest and strongest of the state leagues, went on record as favoring home rule for cities. Frank G. Pierce of Marshalltown is the secretary.

In the south the movement for the organization of city officials has not made very great progress, although there are exceptions in the case of Virginia, which has had a league of municipalities for a number of years. A special meeting of this organization will be held in January to consider the Taliaferro bill concerning the government of municipalities. A movement is on foot to organize a mayors' association in Florida.

*A League of Texas Municipalities* has been formally organized. In response to an invitation issued by Mayor A. P. Wooldridge of Austin, at the suggestion of Prof. Herman G. James of the bureau of municipal research and reference of the University of Texas, some thirty officials of Texas cities organized November 4 the League of Texas Municipalities. Mayor Wooldridge of Austin was elected president and Dr. James *ex officio* secretary-treasurer of the League. A constitution and by-laws were adopted and Houston was selected as the next place of meeting by the League. The delegates were cordially entertained by the city of Austin, being addresed by Governor Colquitt at a luncheon prepared in their honor, and in the afternoon the officials and other representatives were driven over the city in automobiles.

Certain points of particular interest may be noted in connection with the convention. The morning program stressed very emphatically the need of experts in city administration. The afternoon session brought out a very general opinion that the new home rule amendment to the Texas constitution, however laudable the original idea back of it may have been, had been so emasculated by provisos and limitations that it is of little real value, if indeed not a positive detriment to cities.

The evening session, devoted to a discussion of the Houston plan of taxation by J. J. Pastoriza, brought out the novel position that a city official justifies an open and express violation of the constitution on the ground that it is actually violated in other places in practice. In other words, Mr. Pastoriza, who is finance commissioner of Houston, frankly disregards the constitutional provision of equal and uniform taxation on all property by expressly exempting everything but realty from taxation. In justification of his position, he contends that other cities do not and cannot tax intangible and personal property, because of perjury and deception by the tax payers, and hence the constitutional provision aforesaid is a dead letter by which he refuses to be bound.

*The League of Third Class Cities in Pennsylvania* held a special meeting in October to consider the problems growing out of the recently passed commission government law, which went into effect on December 1.

# DEPARTMENT OF REPORTS AND REVIEWS

## CRITICAL AND INTERPRETATIVE

PROFESSOR JOHN ARCHIBALD FAIRLIE, *University of Illinois*
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CHARLES D. MAHAFFIE, *Portland, Oregon*

**Municipal Statistics.**—*General Statistics of Cities:* 1909. Special Reports U. S. Bureau of the Census. Washington, Government Printing Office, 1913.

*Annuario Statistico delle Città Italiane.* 1911-12. Prof. Ugo Giusti, Capo dell officio di statistica del commune di Firenzi. Florence, Alfani e Venturi, 1912.

*Statistisches Jahrbuch der Stadt Wien:* 1911. Wien, 1913.

*Statistisches Jahrbuch der Stadt Berlin:* 1908-11. Prof. Dr. H. Silbergelt. Berlin, P. Stankiewicz, 1913.

*Jahrbuch für Bremische Statistik,* 1912. Bremischer Statistischer Amt. Bremen Franz Leuwer, 1912.

*London Statistics:* 1911–12. London County Council, Westminster, P. S. King and Son. 1912.

This list of recent reports on municipal statistics illustrates two distinct classes of reports. The federal census report and the statistical annual of Italian cities and compilations include data from a large number of cities in the two countries, while in neither case have the compilers any adequate control over the municipal authorities included in the reports. The other reports are the official publications of the statistical bureaus of a number of individual cities—London, Berlin, Vienna, and Bremen.

In the American census report will be found general and physical statistics relating to some municipal services, and supplementing the financial statistics of cities, published each year. The present report includes statistics on sewers, waste collection and disposal and highways. Previous reports have presented data on other municipal services; and the policy of the bureau in dealing with general and physical statistics now is not to attempt a regular series of comprehensive reports, but to issue from time to time reports on closely related groups of services, separate from the regular series of financial statistics.

After an introduction discussing the purposes of the report, the classification of expenditures and the interrelations of the services covered, the main results are presented in six parts, dealing with sewers and the sewer service, refuse disposal service, street cleaning service, dust prevention service, highways and general highway service, and statistics of salaries and wages; and statistics on these points are presented for 158 cities. Among the special topics may be noted, methods of financing sewer construction, reduction and incineration plants for refuse disposal, and the average life and cost of various classes of street pavement.

The statistical annual for Italian cities is published through the activities of the statistical union of Italian cities, under the direction of Prof. Ugo Giusti, director of the statistical bureau of the city of Florence. The first number was issued in 1906; and the present volume is the fourth in the series. This annual deals largely with finance statistics, which are presented in two groups of tables—one group giving a summary statement of revenues and expenses for all cities, while the other group furnishes data in more detail for the larger cities. A third division deals with municipal enterprises such as water,

gas and electric works and municipal bakeries. A fourth division presents the results of the general census of 1911; while a bibliography of municipal publications is also added.

An interval of more than four years has elapsed between the thirty-first and thirty-second volume of the statistical year book of Berlin; and the present issue includes statistics from 1908 to 1911, with data on some topics for 1912. The inclusion of statistics for several years explains the increased size of this issue, which contains more than a thousand pages. The contents follow the main outlines of former numbers, grouping the data under twelve main divisions, and including statistics not only on all branches of municipal administration, but also local statistics of a more general character.

The general population statistics at the census are given in considerable detail, including statistics of suburban districts and also a table showing the population on each of the one hundred streets with the largest number of inhabitants. From 1905 to 1910 the population of Berlin proper increased by only 31,209—from 2,040,148 to 2,071,257; while the population of the greater Berlin union has increased from 3,415,161 to 3,947,300. In the division dealing with markets and prices, the statistical data as to the increasing cost of living is strikingly presented. The general financial statement demonstrates the great importance of the revenue undertakings of the municipality. Of the total revenue of 308,000,000 marks, 149,000,000 marks are from such undertakings, 88,000,000 marks from taxes and 23,000,000 marks from loans.

The statistical yearbook for Vienna is an equally comprehensive volume of over 900 pages, containing detailed data for every branch of municipal administration and also more general data, such as those relating to the movement of population, weather records and market prices. One of the twenty chapters deals with taxes; but other sources of revenue and expenditures are shown only under the different topics, and there is no general financial statement.

In the Bremen statiscal year book are similar comprehensive data for each year from 1907 to and including 1911; but as there is less detail it forms a more compact and handy volume.

*London Statistics* is a volume of over 600 pages, compiled by the statistical officer of the Lundon county council; but containing statistics not only relating to the administrative county but also of all the various public services carried on within the county and some statistics for adjacent districts. In addition to the statistical tables there is a good deal of descriptive matter, a number of illustrative diagrams and several maps showing the various administrative districts. One series of diagrams shows the variations of population in the several metropolitan boroughs from 1801 to 1911, showing striking contrasts between the decrease of population in the cities of London and Westminster, compared with the rapid development of outlying districts, such as Islington, Lambeth, and Wandsworth. Another diagram compares the growth of population in London with that of New York, Paris, Berlin, and Vienna.

The statistical abstract for London is a pamphlet of 132 pages, furnishing less detailed statistics relating to the administrative county and the various districts within the county.

Each of the statistical annuals for these European cities gives to the general public as well as the special student a body of definite information, carefully prepared and published, relating to public affairs and local conditions in these communities, which goes far beyond anything as yet attempted by American cities. Even where a city in this country publishes a general report of all of its departments, this is no more than an aggregation of the various department reports, each prepared by its own officers according to its own standards. In the European cities, the statistical bureaus

classify and arrange the data on a general plan, based on statistical standards. American city reports also are confined at best to data as to the city government proper, and contain no information as to other municipal authorities, such as schools, park districts or county affairs. In all these respects our municipal authorities have still much to learn from the practice of European municipalities.

JOHN A. FAIRLIE.
*University of Illinois.*

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**Reports on Housing.** — The accompanying list of reports on housing in American cities is supplementary to a list published in the October, 1912, number of the NATIONAL MUNICIPAL REVIEW.[1] In a few instances reports are included prior to the date set for the beginning of that list (1900), of which we cannot afford to lose sight. There are also included some studies published in magazines between 1900 and 1912 that seem to have a special value, which entitles them to be listed with the more thorough reports issued in book or pamphlet form, and have added reports published since the first list was made up. No attempt, however, is made to list all the magazine articles dealing with housing. These may readily be found by consulting *Poole's Index*, the *Cumulative Guide* or the *Reader's Guide*.

*Boston.* 1902. Housing conditions in Boston, by R. T. Paine. *Annals of the American Academy*, vol. 20.

1906. Lodging House Problem in Boston, by A. B. Wolfe. *Harvard Economic Studies*, vol. 2.

1913. Report of Tenement and Housing Conditions in Report of the Homestead Commission.

*Buffalo.* 1903. Tenement House Conditions. *Annals of the American Academy*, vol. 21.

1912. Housing Conditions in Part of the Welcome Hall District. Report prepared by Carol Aronovici for the Social Service Committee of the First Presbyterian Church.

1913. Housing Investigation by Miss Helen Safford Knowles, supplementing Report of Carol Aronovici, on the Housing Conditions of the Welcome Hall District.

*Cambridge.* 1913. Report of Investigation by Miss Flora Burton in First Report of Cambridge Housing Association.

*Chicago.* 1912. Tenement Housing Conditions in Twentieth Ward, Chicago. Report of Civics Committee of Chicago Woman's Club.

1912. The Problem of the Negro. Report of Investigation by Alzada P. Comstock, for Chicago School of Civics and Philanthropy.

1912. Two Italian Districts, by G. P. Norton, ed. by S. P. Breckinridge and E. Abbott of the Chicago School of Civics and Philanthropy. *American Journal of Sociology.*

*Cincinnati.* 1912. Report of Special Survey of Four Districts of the Cincinnati Anti-Tuberculosis League by Samuel P. Withrow.

*Englewood, N. J.* 1912. Housing conditions in Englewood, N. J. Report of Joseph J. Weber to Civic Association of Englewood.

*Grand Rapids.* 1913. Housing Conditions and tendencies in Grand Rapids, Michigan. Report of Housing Investigations by Miss Udetta D. Brown. Under the supervision of the Charity Organization Society.

*Lawrence.* 1912. Report of Housing conditions by Robert E. Todd in Lawrence Survey.

*Los Angeles.* 1907–1913. Reports of the Los Angeles Housing Commisssion.

*Lowell.* 1912. Record of a City, A Social Survey, by G. F. Kenngott; Chapter on Housing. The Operatives.

*Massachusetts.* 1911. Living Conditions of the Wage-Earning Population in Certain Cities of Massachusetts. Massachusetts Bureau of Statistics.

*Milwaukee.* 1911. Basement Tene-

[1] NATIONAL MUNICIPAL REVIEW, vol. 1, p. 693.

ments in Milwaukee. Wisconsin Bureau of Labor and Industrial Statistics.

*Mount Vernon.* 1913. Report of Housing Investigation by Miss Udetta D. Brown.

*Newark.* 1913. Housing Report to the Newark City Plan Commission. Investigation made by Dr. James Ford of Harvard University.

*New Britain, Conn.* 1912. Housing Conditions in New Britain, Conn. Report prepared for the Health Department by Carol Aronovici.

*Newburgh.* 1913. Report of Housing Investigation made by Miss Amy Woods of the Newburgh Associated Charities for the Social Survey, conducted by the Russell Sage Foundation.

*New Haven.* 1913. Report of Housing Conditions in New Haven by Board of Health. Bulletin of Board of Health (August).

1913. Housing Conditions in New Haven. Report prepared by Carol Aronovici for the Civic Federation of New Haven.

*New York City.* 1902. The Battle with the Slum, by Jacob A. Riis.

1905. Children of the Tenements, by Jacob A. Riis.

*Philadelphia.* 1912. Housing Conditions in the Main Line Towns, by Miss M. Bosworth. An investigation made under the direction of the Main Line Housing Association (Suburban towns along the main line of the Pennsylvania Railroad).

*Pittsburgh.* 1909. The Housing Situation in Pittsburgh, by F. Elisabeth Crowell, *Charities and the Commons*, February 6.

*Sacramento.* 1913. Report of Investigation of Housing Conditions, by Miss Caroline Schleef. Under direction Chamber of Commerce.

*San Francisco.* 1912. Second Report of the San Francisco Housing Association.

*Springfield, Mass.* 1912. Report on Housing Conditions in Springfield prepared for the Housing Committee of the Union Relief Association by Carol Aronovici.

*United States.* 1911. Cost of Living in American Towns. Report made to the British Board of Trade by a special commission that inquired as to rents, housing and retail prices, together with rates of wages in certain occupations in 28 industrial towns of the United States east of the Mississippi; with an introductory memorandum and a comparison of conditions in the United States and the United Kingdom.

1894. The Slums of Baltimore, Chicago, New York and Philadelphia. Special report of the Commissioner of Labor.

1895. The Housing of the Working People (also contains much data on European countries), by E. R. L. Gould. Special Report of the Commissioner of Labor.

1904. Housing of Working People in the United States by Employers, by G. W. Hangar. U. S. Bureau of Labor, Bulletin 54.

*Washington.* 1900. Report on the Housing of the Laboring Classes in the City of Washington, D. C., by G. M. M. Kober. Reprinted from the Report of the Health Officer for the District of Columbia.

*Yonkers.* 1898. The Housing of the Working People in Yonkers, by Ernest Ludlow Bogart.

JOHN IHLDER.[1]

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**New York City Reports.** — *Report of the Mayor's Billboard Advertising Commission*, New York, 1913. In this report will be found the best discussion of the problem of bill board advertising which has thus far appeared. Following the report of Commissioner of Accounts Fosdick in August, 1912, Mayor Gaynor informally appointed this commission, with Robert Grier Cooke as chairman; and this commisssion has held many open meetings and executive sessions, besides individual work by the members.

The report begins with a brief summary of its work and seventeen recom-

[1] Field secretary, National Housing Association.

mendations, followed by a series of more extended statements. These deal with the extent of outdoor advertising, aesthetics and the constitution (including an excellent review of judicial dicisions) public health, public safety, administrative machinery, regulations by taxation, regulations by cities, states and foreign countries, and conclude with drafts of proposed ordinances, a proposed statute and a proposed constitutional amendment embodying the recommendations of the report. An interesting series of illustrations of existing conditions are appended.

Issue is taken with the trend of judicial decisions in some states denying any power of regulation on aesthetic grounds; and to overcome such rulings the proposed constitutional amendment is submitted. Meanwhile, however, much can be done by municipal ordinance and statutory legislation on the basis of public health, public safety, taxation and better administration.[1]

*Report of the Commissioners of Taxes and Assessment of the City of New York, 1913.* The annual report of the New York city department of taxes and assessments summarizes the work of the department for the year, with comparative statements of land and improvement values for each year from 1910 to 1913, and some discussion of full value assessments, the relation of land and improvement values, land value maps, classification of buildings, personal property and coöperation with other cities. Real estate values were increased nearly 12 per cent in 1911 over 1910, while in the two following years there has been a further increase of about 2½ per cent. Land values range from 61.6 per cent of the total value for real estate in 1910 to 63.2 per cent in 1911, since when there has been a slight decline to 62.1 per cent in 1913.

Appendices contain three special reports, on the taxation of personal property in New York State 1880–1913, real estate taxation in Philadelphia, and the assessment of the city of Auburn, N. Y. The Philadelphia report is largely a description of New York methods. The Auburn report was prepared with assistance of one of the deputies of the New York department.

*Sixth Report of the Tenement House Department of the City of New York, 1910 and 1911.* The period covered by this report choses the first decade of the New York tenement house department, and the report serves to show the results of this effort to ameliorate bad housing conditions. The general results are shown in the reduced death rate for the city and the declining loss of life in tenement house fires, in which the department claims a considerable measure of credit, while recognizing the coöperation in these results of the departments of Health, Fire and Police. At the same time under the stricter building regulations, tenement houses have increased by more than 25 per cent during the decade, and the new houses shelter over one-fourth of the tenement population. Of 82,923 old buildings, 32,308 have been compelled to conform to the requirements of the tenement house law.

In addition to the general review and statistics of the department, there are included reports of the new building bureau, a review of the work of the tenement house bureau of the law department, and a series of illustrations including both bad conditions and the newer types of tenement house construction.

*Municipal Year Book of the City of New York, 1913.* Reports of the work of municipal government in New York City are published by the several departments; but there has been no general report on the city government as a whole, while a collection of all the departmental reports published in one volume would form too bulky a document to be of much service. Last summer, Robert Adamson, Secretary to Mayor Gaynor, with the assistance of the bureau of municipal research, prepared a handy manual con-

[1] See further review of this report by J. Horace McFarland, page 190.

taining brief accounts of the various organs of municipal government and their powers and activities. This year book will be of much value to the citizens of that community, and also to others interested in municipal government; and this example might well be followed by other cities.

*J. A. F.*

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**Philadelphia Reports**—*Business Methods in Public Works, 1913.*

*The Political Assessment of Office Holders, 1913.*

*Real Estate and its Taxation in Philadelphia, 1913.*

These three pamphlets on distinct topics may well be considered together as illustrations of the improvements in municipal methods being introduced in Philadelphia under the administration of Mayor Blankenburg. None of them is a regular official report, and the first two contain notes that they have not been printed at public expense.

The first named is an informal record of the operations of the department of public works. This discusses the reorganization of the department, educational work for the employees of the department, discipline and discharge of employees, economies in operation, maintenance and construction, contracts and coöperation with the public.

The second pamphlet is a report, also by Director Cooke of the department of public works, on the system of political assessments as practiced by the Republican organization in Philadelphia from 1883 to 1913. The report proper covers but 21 pages, including a number of facsimile reproductions of assessment lists; and is followed by a series of tables giving a detailed schedule of such assessments in the department of public works for the election of 1903. Such assessments are believed to have yielded contributions amounting to not less than a quarter of a million dollars for each of the last ten years, and aggregating over $3,000,000 during the decade.

In the pamphlet on real estate taxation, the authors (Robert D. Dripps and Arthur E. Post) have prepared a "primer" on taxation, in the form of questions and answers. An introduction discusses some general questions and outlines the present methods of assessment in Philadelphia; while the larger part of the pamphlet presents a proposed system of realty assessment. In the preface, the authors make special mention of assistance rendered by Lawson Purdy, president of the New York City department of taxes and assessments.

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**Philadelphia's Transit Report**—The transit report recently submitted by Director A. Merritt Taylor to Mayor Blankenburg is a strong presentation of certain transit needs of the city under consideration and is backed by a wealth of statistical data that is truly imposing and convincing. The recommendations made have been generally accepted by the public and the press as representing the present needs of the city, especially the demands of the business interests of the community. It is pointed out in the report that eventually the undertaking representing an investment of over $62,000,000 for construction and equipment will yield returns on the investment that will pay a proper dividend to the city and whatever other agency may share in the undertaking.

It is not possible in the short space available for the discussion of this report to point out the various aspects of the local problem and the solution presented by Director Taylor, nor would such a discussion be of general interest. There are however certain aspects of the report that relate to the method of reaching the conclusions which are worthy of special consideration.

1. The report deals with the problem of transportation from the business point of view pure and simple. As one reads the report the impression conveyed throughout is that the facts presented and the solution suggested ema-

nates, not from an agent of the city whose prime object it is to provide the best transit facilities for the convenience and comfort of the people of Philadelphia, but as a report prepared for a business concern whose main object is revenue.

2. This impression is further strengthened by an examination of the method employed in ascertaining the needs for the suggested rapid transit lines and also by the fact that the contention of the director is that present traffic flow indicates future traffic flow and that travel in certain directions indicates the need for traffic facilities in these directions.

The fact is however that the present traffic flow which carried the largest part of the traveling public through the center of the city is due to a very considerable extent to the poor transit facilities which have made impossible any other tendency of traffic flow in the conduct of the city's daily business. To assume that the present flow of traffic represents the actual needs of the community seems to be a mistaken conception of the very reason for investigating the traffic needs.

3. The assumption of the present traffic flow as representing the present and future needs of the city has led to recommendations which center all rapid transit lines in the vicinity of the most congested section and will unquestionably tend to increase rather than decrease congestion where it now exists.

4. With the growth of the city and the limit of commerical value that congestion in the center of the city must soon reach, subsidiary business centers should be provided for, but such is not the case. It was assumed throughout that the present conditions and relative size of traffic will remain unchanged in proportion altho growing in size. Nor have the industrial changes of recent years and the future tendencies been considered with a view to properly distributing industrial activities or at least following them in their recent trend. In a word the city's elasticity has been neglected and only growth and speed considered.

5. The comprehensive plans committee has under way many important changes and improvements, but so far as the report shows they have not been considered in the framing of the recommendations submitted. The lines to be built will form a backbone upon which the future city is to be built, but it does not appear that adequate account has been taken of the kind of a city Philadelphia should be or tends to be.

6. It is a well-known fact that rapid transit lines tend to increase land values unless they are generally available or within reach of a large portion of the population. The rapid transit lines as suggested by Mr. Taylor will be great time savers, but unless the "feeder lines" are so coördinated and improved in efficiency and speed as to make them better prepared to distribute the benefits of the rapid transit facilities than they are at the present time, land values along the fast lines will so increase as to induce the construction of large residential buildings with apartment houses, tenements, etc., a condition that is beginning to become manifest along the other fast Philadelphia lines. This would be a great detriment to a community that proudly bears the name of "city of homes." This aspect of the problem is, however, overlooked in the report.

7. As a consequence of the assumption that present traffic indicates the needs for future provisions one of the most beautiful parks in the country located in Philadelphia has been left out of consideration in the proposed transit program. The present number of persons visiting the park amounts to several millions every year, but the traffic study made in the preparation of the report did not show that a rapid transit line is necessary, and thus the most valuable civic asset of the city was left out of consideration.

Aside from the above criticisms the

report is a skillful presentation of certain aspects of the problem and indicates the ability of the new Director as a student of existing conditions. As the recommendations are not final some changes in the present plans will probably take place and Mr. Taylor's services should be treasured by the city which is sadly in need of new transit facilities to maintain its character as a "city of homes."

CAROL ARONOVICI.

*Moylan, Pa.*

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**Annual Reports of the Offices, Boards and Departments of the City of Cincinnati for 1912**—In the preparation of the annual reports of Cincinnati for 1912 an attempt has been made to produce something more than a mere compilation of official documents. Public officers, acting in their official capacity, are the agents of their constituents and their reports should be intended primarily for the consumption of the public whose interests they represent. This fact furnishes the keynote for some important changes that have been made in the form and composition of the Cincinnati reports. A conscientious effort has been made to present a readable text prepared in such a manner as to encourage inspection and make possible an intelligent understanding of what has been accomplished during the year.

In order to serve this purpose more effectively than has been done in the past particular attention has been devoted to the outward appearance of the annual volume. The most noticeable change has been in the reduction in bulk to about one-fourth the customary size. This reduction was made possible by a change in the type used, by the utilization of thin but strong paper and by the elimination of some of the detailed tables that have occupied so large a space in former years but which have little significance for the average public.

On the other hand much material has been inserted that had found no place in former reports. Among such may be mentioned the mayor's annual message and reports from the offices of the mayor, departmental directors, the board of hospital commissioners and the city treasurer. The volume thus contains, for the first time, official reports from every governmental unit of the city. More then one hundred illustrations, maps and charts are inserted to emphasize or clarify the material in the text, while a well-prepared table of contents and an adequate index add greatly to its utility.

These gratifying improvements are all enhanced by the care that has been taken in mechanical details involved in editing the volume and by the excellent judgment shown in the use of type, etc. The reports of the various departments and offices were assembled in the mayor's office and subjected to careful editorial supervision before being set up in their final form. The result is a general uniformity in appearance and in the arrangement of subject matter that is too frequently lacking in publications of this character.

C. O. GARDNER.

*University of Cincinnati.*

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**Municipal Research and Efficiency Bureaus.**—*Institutional Supplies.* Bureau of State and Municipal Research, Baltimore, Md., 1913.

*Organization and Administration of the Department of Health of Dayton, Ohio.* Dayton Bureau of Municipal Research, 1913.

*The Office of County Treasurer of Cook County, Illinois.* Chicago Bureau of Public Efficiency, November, 1913.

*Reports on Engineer and Janitor Service, Board of Education* and on *Bureau of Streets.* Chicago Civil Service Commission, 1913.

These reports furnish illustrations of the recent activity of municipal research and efficiency bureaus. The first three are by privately supported bureaus; the latter are by an efficiency

division organized as part of the municipal government.

In the first there is a discussion of institutional buying, notes for the use of purchasing officials, including a form of contract and proposal, and presents forms of standard specifications for certain classes of supplies, based on a study of the specifications used by several state and municipal authorities.

The Dayton report is based on an investigation by Dr. Carl E. McCombs of the New York bureau's training school, and is published by the department of health as its report for 1912. It finds most branches of the work of the department inadequate, defective or inefficient, though the plumbing inspection is reported as well performed. Recommendations are made for changes in organization, records, an increase of funds and more publicity.

The report of the Chicago Bureau of Public Efficiency on the office of County Treasurer of Cook County deals mainly with the manner of handling public money and the question of interest earned on such money. The various funds handled by the Treasurer aggregate approximately $55,000,000 each year. In the past it has been the common practice for the county treasurers to regard the interest on these funds as perquisites of the office. Since 1902, however, in pursuance of campaign pledges, the county treasurers have turned into the county treasury, certain sums as interest earned on the funds in their custody. No audit has been made of treasurers books to determine whether the amounts paid formed the total interest earned.

In the inquiry by the bureau of public efficiency, access was allowed to the "public records" of the office; but permission to inspect the so-called "private records," showing the daily receipts, was refused. From information in the public records, supplemented by data in the county clerk's office, the bureau computes the interest which the county should have received during the year 1911 at $281,526.18, while the amount paid over by the county treasurer was only $150,557.39.

The efficiency division of the Chicago civil service commission has recently published reports on its investigations of the engineer and janitor service of the board of education and of the bureau of streets in the department of public works;—the latter investigation being made in coöperation with the superintending officials of the bureau of streets. These reports are based on minutely detailed investigations of organization, and more particularly of methods and results, carried on by engineers and other efficiency experts. A large part of the data secured deal with technicalities and petty details, which are no doubt important for securing the highest efficiency, but which are not likely to prove of much general interest. Even the summaries of recommendations deal largely with what seems to the outsider matters of detail rather than principle. There are twenty-seven paragraphs summarizing the recommendations as to the school janitor and engineer service; and forty-nine paragraphs as to the bureau of streets,—the latter including one for the purchase of three new squeegees and two new pressure flushers for use in the downtown section, and another that new garbage tanks should be built six or eight inches higher than those now in use. Some advantage would be gained if recommendations of larger importance were more clearly separated from those of minor value.

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**New York Art Commission Passes on $29,000,000 of Work.**—This annual report of the art commission of New York City covering its operations during the year 1912, shows that the commission considered 272 submissions involving the expenditure of approximately $29,000,000. From one to twenty-five plans for each submission were examined and passed upon. In 225 submissions the designs were approved as submitted and in thirty-six instances

the commission disapproved in whole or in part. These thirty-six submissions dealt with twenty-eight different structures. For seventeen of these structures revised plans were prepared and again submitted to the commission and were approved.

Committees of the commission visit every location submitted for public monuments and structures. They also hold frequent conference with heads of departments and designers. During the year 189 committee meetings were held. It is in committee work therefore of which no record appears in the minutes that are found the most engrossing duties of the members of the commission.

The list of submissions includes works in fountains, in sculpture for buildings or parks, tablets, electroliers, elementary and public high schools, fire engine houses, public comfort stations, fire alarm stations, gas lamp posts, illuminated signs, hospitals, bridges and viaducts, public schools, and in fact every kind of structure erected by the municipality. The commission also passed upon twenty-four private structures, including a rapid transit station, railroad shed, railway signs and many railway bridges.

An unusual feature of this publication is the inclusion of a report of the informal conference of the city and state art commissions of the country, held last May.[1] There are now seventeen art commissions in the United States, and twelve of these commissions and seven cities were represented at the conference. Another conference is to be held in the spring of 1914, the arrangements for which have been placed in charge of a committee consisting of Frank L. Babbott, New York, chairman, Leslie W. Miller, Philadelphia, Cass Gilbert, New York, Thomas Allen, Boston, and Burton Mansfield, New Haven.

At this next conference a committee on laws appointed at the meeting in New York will present its report. This has already been drafted by the committee which consists of: John B. Pine, New York, chairman, Arnold W. Brunner, New York, Andrew Wright Crawford, Philadelphia, James G. Cutler, Rochester, and Frederick Law Olmsted, Brookline.

ANDREW WRIGHT CRAWFORD.[2]

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**Report on the United Railways Company of St. Louis.**—The St. Louis public service commission. 2 vols. 1912, 1913. This report is the result of a comprehensive and detailed investigation. In the first volume, by a valuation of the property of the company and the calculation of a reasonable return upon the investment actually in the service of the company, the commission reaches a conclusion as to the excess earnings received over this reasonable return. In the second volume the commission reports on the extent and quality of the service furnished, with recommendations for additional improved service. With the report are published four appendices, with detailed statistical tables, illustrative diagrams and several maps.

In its valuation the commission has relied upon original cost as the theory most calculated to bring about a just result. An appendix by James E. Allison, member and chief engineer of the commission, discussing the question of depreciation, reaches the conclusion that "in all ordinary cases of heretofore unregulated properties we can not justly depreciate to obtain fair value, unless we admit the justice of *ex post facto* laws or equivalent regulation."

On this basis, the commission finds this company a typical example of overcapitalization. With a liberal valuation of $37,638,667, the capitalization of the company is $101,380,300; and its net earnings for 1911 were $1,069,480 in

[1] See NATIONAL MUNICIPAL REVIEW, vol. 11, p. 494.

[2] Secretary, Art Jury of Philadelphia.

excess of a reasonable return of 6 per cent on the valuation.

The recommendations for improved service are summarized in a proposed ordinance requiring a specified number of car trips per day, and giving the public service commission supervision over the operation, schedules and routing of cars, with power to order the withdrawal of cars not in serviceable condition and to order repairs and reconstruction of tracks.

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**Royal Commission on Civil Service.**—The Royal British Commission on Civil Service of which the Rt. Hon. Lord Macdonnell was chairman listened to some evidence in October, 1912, which is of interest to Americans who are professionally or theoretically concerned with municipal government and civil service administration.

Under the British Civil Service regulations boy clerks or office boys are selected after a severe academic examination and are employed at a salary of 16 shillings (about four dollars) a week in the performance of routine mechanical office duties. At the age of eighteen they are obliged to leave the position of boy clerk. They are eligible to take the open competitive civil service examination for junior clerk which is the clerkship of the next higher grade. This is an even more searching academic examination than the one which the boy clerks took prior to their original appointment and comparatively few boy clerks are able to pass this higher examination. As a result most of these boy clerks are obliged to leave the civil service after a few years of temporary service, which because of the slower pace at which government work is ordinarily done does not tend to qualify them for private employment. This British system works a positive injury upon the boy clerks which is obviated in America by filling the higher clerkships almost exclusively by promotional examinations instead of by open competitive examinations.

The British commission also listened to evidence presented before it to show the advantages which would accrue from appointing local officers of experience to some of the positions in the employ of the local government board, the board of trade, the board of education, the insurance commissioners and other departments of the central government which exercise supervisory control over the localities. It would seem that under the present British civil service regulations these experienced local officers cannot compete because of the existing maximum age limit. It is interesting to note, in this connection that the American civil service organizations frequently recruit the supervisory officers of the government force from the ranks of the experienced local officers and that in Germany all supervisory central officers spend a period of apprenticeship in the service of a municipality or other local division of the government.

LEONHARD FELIX FULD.

*New York City.*

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**A Comparative Study of the Public School Systems in the Forty-eight States.**—Russell Sage Foundation. New York, 1913. This pamphlet, published early in 1913 and distributed to members of state legislatures and others, presents a series of statistical tables, illustrated by diagrams, relating to public schools in each state. The figures are compiled from official sources, showing the number of children in school and out, the investment in school plant, expenditure per child of school age, total number of school days for each child per year, total attendance, relation of school expenditure to total wealth, daily cost per child, proportion of children in high and elementary schools, and expenditure for salaries. Under each topic the states are ranked; and a summary table and diagram undertakes to combine the results in a general estimate of the relative standing of the several states.

Most attention is likely to be drawn to this final diagram, which shows the states in four groups, with Washington at the head of the first group. An examination of this diagram will perhaps raise some questions in the mind of those familiar with the educational situation; and a closer analysis will show a serious error in the methods employed, which affects the relative standing of a number of states. Five of the ten tests of efficiency applied are based on money expenditure; while there is no recognition of the considerable variations in the service or results to be secured by the same amount of money in different parts of the country. Thus the table gives a higher rank to states in the far west than is indicated if the tests not dependent on money expenditure are alone considered. On the latter basis, Washington takes tenth place instead of first; California, New Jersey, Colorado and Indiana come in the second group instead of the first; and Michigan, Maine, New Hampshire and Iowa are advanced from the second group to the first.

J. A. F.

## JUDICIAL DECISIONS

**Segregation on Color Lines.**—Most southern cities have a well defined negro section. Ambitious negroes, to the consternation of their new neighbors, occasionally move into the more fashionable parts of town however.

To meet this possibility the mayor and city council of Baltimore enacted a "segregation" ordinance under which certain defined portions of the city are set apart for the exclusive use of the negro population and white persons are forbidden to reside therein. Other sections are dedicated to the use of white persons and negroes are forbidden to move into them or use them as a place of abode, except in the case of domestic servants residing with their employers. The ordinance provides for determining the character of blocks thereafter opened to occupancy, and provides that blocks having a mixed occupancy at the time of passage of the ordinance should remain free for the same kind of occupancy.

A colored man was indicted for violating the ordinance and a demurrer to the indictment sustained by the lower court. On appeal, however, the supreme court of Maryland declared it valid. The court held that the provisions of the ordinance being equally applicable to white and colored citizens it could not be regarded as race discrimination. That the circumstance of certain blocks being set aside for the exclusive use of the negroes counterbalanced their exclusion from other parts of the city. Which sounds rather plausible, and is a theory under which practically any sort of treatment of another race can be justified. Legislative care in placing some sort of counterbalance will do the trick. The ordinance was further upheld as being a legitimate exercise of the police power. The court following the case of *Rossburg vs. State*,[1] which interprets the police power of the city as coextensive with that of the state, and in construing the ordinance as a legitimate exercise of police power likens segregation into city blocks to segregation into separate railway cars. The amount of encouragement for the negro in any aspirations toward social equality to be found in this decision, and in fact in most recent ones of the state supreme courts, is not great.

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**Wages in Public Work.**—Seattle undertook to build a street railway under general authorization given the cities of Washington by State law. The same law requires a ratification of the project by popular vote. After a favorable vote a bid for the work was accepted and subsequently, but before formal execution of the contract with the bidder, the city

[1] 111 Md., 394.

adopted a minimum wage scale of $2.75 a day for all labor on local improvement work. The contract or proceeded to pay $2 per day and forfeiture was claimed. In an action to enjoin the city from proceeding with the forfeiture of the contract the supreme court of Washington held[1] that the work was a "public util ity" and not a "local improvement." The court distinguished a local improvement as one which being confined to a locality enhances the value of adjacent property as distinguished from public benefits, and the cost of which may be assessed on the property specifically benefited. It held that a street railway track could not be so classified.

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**The Smoke Nuisance.**—Jersey City's attempt to mitigate the smoke nuisance by making it unlawful to permit the emission of dense smoke from the smoke-stacks of locomotives met with the disapproval of the court of errors and appeals of that state. In *Pennsylvania Railroad Company vs. Mayor and Aldermen of Jersey City*[2] the court held that since the railroad, by legislative authority, is permitted to consume fuel and emit smoke and is not held liable for damage to property provided proper care is used by the company in operating its road it cannot be prohibited from emitting smoke in excessive quantities unless such emission is the result of negligence or want of due care. Authority to pollute the air with coal smoke apparently remains undisturbed in New Jersey.

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**The City and Street Conditions.**—The nature of a city's duty in regard to its streets is discussed by the supreme court of New York in *Bonny vs. City of New York.*[3] The court draws and explains the distinction between the rights of a person injured while lawfully walking along a street by the subsidence of a sidewalk and that of a person injured while on *private* property adjacent to the street resulting from the operations of the city in improving the street. In the first case the city is held to be bound to use due care to keep the street in a safe condition for use and to be liable for damage from any injury due to a failure in that regard, while in the latter the liability is only for the negligent way in which the work was done or the condition in which it was left.

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**Grafting Ineffective.**—The Supreme court of Minnesota in *City of Minneapolis vs. Canterbury*[4] discovered a way to mulct of his gains an official who undertook to augment his salary by a method heretofore somewhat common. The city expected to buy a site for a public building and one of its officials who was acting in an advisory capacity in regard to the purchase himself bought the land, conveyed it to a third party and the latter sold it to the city at an enhanced price. The court held the thrifty official a trustee for the benefit of the city and liable for the difference between the price paid by him and that at which the city purchased. Some of the old schemes are getting pretty threadbare and considerably more ingenuity seems to be required to steal from a city and "get away with it" than was sometimes required in former years.

*

**Implied Contract of Municipality.**—The question as to the extent to which a town may be held under an implied contract was before the supreme court of errors of Connecticut in *Vito vs. Town of Simsbury.*[5] If not prevented by positive statute the court held that a town is in practically the position of a private person as to liability for the reasonable value of improvements constructed with its consent and to a certain extent under its supervision, but under a imperfectly

[1] *Jahn Contracting Company vs. City of Seattle, et al.*, 133 P. R. 458.
[2] 87 A. R. 465.
[3] 141 N. Y. S. 6.
[4] 142 N. W. R. 812.
[5] 87 A. R. 722.

executed contract. In this case a retaining wall was built and partly paid for and an offer made in final settlement before the town found the contract for the work to be invalid. The town had the benefit of the contractor's work. The circumstances were held to create an obligation to pay what those services were reasonably worth.

*

**Licenses and Occupation Tax.**—Pueblo as part of an occupation tax ordinance provided that no person should sell any goods from any place not kept by him or directly under his control. The result being to make the way of the non-resident merchant rather hopeless.

The Colorado supreme court held in in *Moffitt vs. City of Pueblo*[1] that while such an ordinance might be valid if uniform in its application to all persons in a given line of trade or occupation, that where the amount of the occupation tax imposed is in excess of the reasonable cost of issuing a license and of regulating the business or is in effect prohibitory the ordinance is void. That where it in effect discriminates between residents and non-residents or between those in the same line of business it cannot be enforced.

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**What Constitutes a Dedication.**—In *Mayor, etc., of Savannah vs. Standard Fuel Supply Company.*[2] The supreme court of Georgia held that the circumstance of the use by the public of wharf property for other than business purposes, of which property there had been no express dedication, could not be held to deprive the owner of his rights in it. That dedication is a matter of intent and that no intent being shown no rights of the public attached. In the absence of proof of express dedication and acceptance, use by the public is to be regarded as in the nature of a license and such use is not sufficient to raise any presumption of dedication. It would be too bad if an owner of property were unable to allow the public to make any use of it without imperiling his rights in it.

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**Billboards and Aesthetics.**—The circuit court of Milwaukee County, Wisconsin, has recently rendered a decision that constitutes at least a temporary setback to the cleaner city movement in that jurisdiction. A city ordinance provided that no billboard should be put up or maintained unless, among other requirements, it be placed back from the lot line or line of a navigable waterway a distance equal to its height and be at least three feet away, at each end, from other structures or obstructions. The court held that the evidence of any danger from billboards did not justify any such restrictions, especially in view of the fact that the ordinance required a space of from two to three feet to be left below the billboard. That such a requirement being unreasonable rendered the entire ordinance void.

The decision mentions the possibility of the extension of the police power to the promotion of purely aesthetic objects on the ground of the general good of the community but apparently does not consider such an extension a proper one. It is to be hoped that this decision will be appealed and the supreme court given an opportunity to pass on what may be done in this regard for the general good. The decision as it stands is about ten years out of date.[3]

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**Bond Issue—General Purposes.**—A charter provision common to most Oregon cities provides that no city bonds shall be issued unless the proposition shall first be submitted to a vote of the people and authorized by them. The City of Grant's Pass attempted by one authorization to empower the common

[1] 133 P. R. 754.
[2] 78 S. E. R. 906.
[3] This decision does not appear to be in harmony with that of the Missouri Supreme court in the Gunning case, see NATIONAL MUNICIPAL REVIEW, vol. 1, p. 153—EDITOR.

council to issue $200,000 for general municipal purposes, building bridges, street railways, etc. The supreme court of Oregon in *Riggs vs. City of Grant's Pass et al.*[1] held that each proposition for which the bonds were to be issued must be submitted and voted on separately and that such a blanket authorization is invalid.

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**Salary as Determining Tenure.**—The rather ingenious theory of the plaintiff in *Chestnut vs. Kansas City*[2] was repudiated by the court. The plaintiff was one of several city employees whose salary was fixed by the council according to a schedule in which the compensation was figured on an annual basis and put under the heading "salary per year." His contention was that he was therefore entitled to a whole year's employment and stipend though the council might want to dispense with his services in a less time. The court could not see it that way and held that the terms of the schedule merely determined the rate of compensation.

⚜

**Holidays and Delays.**—The question of the weight to be given a holiday in excusing the delay of a city in remedying a defective sewer was before the supreme court of New York in *Sotel vs. City of New York.*[3] Notice of the obstruction and resulting overflowing of plaintiff's premises was given to a building inspector between 8 and 9 p. m. on January 1, 1911. He inspected the premises on the 2d and telephoned the office to which he was attached, which the next day reported to the sewer department and that department removed the obstruction at noon on January 3d. The court considered this an unreasonable length of time to allow for doing the work and refused to allow the intervention of a holiday to affect the length of time to be allowed the city. That the failure of the city to remove the obstruction with reasonable promptness constituted negligence and rendered it liable for damage proximately resulting therefrom.

[1] 134 P. R. 774.
[2] 157 S. W. R. 655.
[3] 142 N. Y. S. 361.

⚜

**Temporary Damages.**—A decision of great importance to the taxpayers of Illinois has just been handed down by the supreme court of that state. The sanitary drainage district turned the water into the canal in 1900. The Illinois statute of limitations as to claims for damages runs in five years. After the expiration of that time, however, a number of suits were filed claiming damages against the district in very large amounts.

The theory on which some of the cases were brought and carried from court to court was that the damage being of a continuing nature the suits might be brought at any time, or a new suit might be brought from time to time, on account of that fact. This contention did not meet with the approval of the court, and it was held that unless the suit was instituted within the five year period the right was lost. Had the court sustained the contention, the situation would have been a serious one for not only the sanitary drainage district but for any other authority responsible for great public works in that state.

⚜

**Franchise Limitations.**—The question as to when negotiations looking toward the purchase of a plant under an option in a franchise become binding on a city was considered by the court in *Washington-Oregon Corporation et al. vs. City of Chehalis, et al.*[4] Under the terms of the franchise the city reserved the right to buy the water company's plant at a valuation to be fixed by appraisers. The city prepared to buy the plant and appraisers were appointed but were unable to agree as to the value. Thereupon the city abandoned the purchase negotiations and started to construct a municipal

[4] 202 Fed. 591.

system. The franchise of the plaintiff corporation contained a provision that during the term of the grant the city would not "contract with any other person or persons, corporation or corporations, for a supply of water."

The court held that such a grant should be strictly construed in favor of the public. That nothing not unequivocally granted can be held to pass by implication, and that the city was not only not bound by negotiations for a purchase which were not completed, but that it had the right, notwithstanding the terms of the franchise, to establish its own system during the term thereof.

## BOOK REVIEWS

THE CIVIC THEATRE IN RELATION TO THE REDEMPTION OF LEISURE. By Percy Mackaye. New York: Mitchell Kennerly.

"The Civic Theatre idea," writes Mr. Percy Mackaye, "implies the conscious awakening of a people to self-government in the activities of its leisure." Many socialists, and notably William Morris, demand that the day's work be made a joy to the laborer. Mr. Mackaye points out that under the most perfect government this would be impossible as long as the day's work consisted, let us say, in manipulating a machine for adding columns of figures or in fixing the tips upon shoe laces. Yet even under our present industrial system a certain part of each day can be given to recreation and artistic self-expression. Leisure at least, if not labor, can be made a joy.

Yet leisure, like labor, is today commercialized. From the Sunday supplement to the best seller, from Coney Island to Broadway, the pleasures of the people are purveyed and determined by private enterprise, whose main and often sole interest in those pleasures lies in the gain that is to be extracted from them. This purely is a condition as intolerable as it is needless. At least, after reading these glowing pages one has the courage of Mr. Mackaye's conviction to say so!

In exchange for the popular dance hall, the recruiting ground of the white slaver, our work-a-day populace is to have dances like the folk dances of old-world Europe, yet enlarged in variety and volume as is fitting in the ampler scope of modern life. For Coney Island it is to have pageants, like the mystery plays of the mediaeval guilds perhaps, the inspiring motive of which is the artistic expression of civic and national feeling. For Broadway it is to have a popular theatre, in which a trained producing staff shall collaborate with a more discriminating audience in the creation of a truly national drama. And in all these enterprises the spirit of self government is to go hand in hand with the spirit of self expression. In its leisure at least the modern populace shall be its own master.

If the idea sounds Utopian merely, the fault lies in this necessarily bald statement of it. A Utopian is a person who sees the solid present only in the light of an imaginary future—a sunset light of cloud-troubled glory, perhaps, yet a very bad substitute for the cold north light of a working laboratory. There is glory in Mr. Mackaye's vision, for he is one of the few genuine poets of today, a temperament of air and of fire. But none the less there is solid earth beneath his feet.

The simple fact is that the future, with the light of which his face is shining, is here with us today, at least in its mighty origins. Folk dancing is already popular in our schools and playgrounds. Every year the number of local pageants increases, and their artistic excellence. Beginning with the Theatre of Arts and Letters, in 1893, there has been a scarcely interrupted succession of efforts to organize the production of the worthier type of drama; and, though

many have failed, each failure has given us a clearer understanding of the problem and a renewed energy in the attack upon it. When the New Theatre extinguished its torch, and wrote down the last item of its three millions dollar loss, the prophets of despair permitted themselves to smile. But a great lesson had been laid to heart. The primary step in the movement for a more artistic drama is not to build a theatre but to organize the artistic public. Today every city of note in the land has an organization the work of which is to give system and strength to the demand for a more artistic drama. So widespread and multifarious is this movement toward the adornment of our leisure that many of those who have been identified with it in one or another of its forms will be surprised in reading Mr. Mackaye's volume to find how widespread it has already become, how deep-seated and intense.

If the civic theatre is to be permanent and powerful, Mr. Mackaye urges, it will have to be liberally endowed; but it is one thing to urge endowment and quite another to secure it. An equally grave difficulty is inherent in the idea of a self governing producing staff. In all cooperative efforts, commercial as well as artistic, it is hard to achieve harmony with vigor; but nowhere is it as hard as in the theatre. When it is a question of the reading of a speech, of the bearing of a character, of the tempo of a scene, who shall prevail, the author, the actor or the stage manager? No one of them, surely, but the artistic director of the whole. Yet how can a director find himself, develop his executive staff and his company, build up the policy and the clientèle of the theatre—the work of a decade or of a lifetime—if his tenure of office depends upon those whom he directs? And what purse shall be opened—private, civic, or national—for the permanent endowment of an organization founded only on that liveliest of quicksands, a collection of artistic temperaments?

If Mr. Mackaye had been familiar at first hand with the problems of the late New Theatre, he would, I think, be more lenient than he is with its founders. Mistakes they made, no doubt; yet they gave three years of earnest, enthusiastic effort to the cause, and three millions of dollars. And in spite of the many errors, artistic and practical, which brought the downfall of the institution, it represents today the highwater mark of all our efforts toward artistic and uncommercial drama. Mr. Mackaye is right, however, in saying that it would have been far wiser to use the money in hand as an endowment and build up the institution moderately and gradually on the income of say one hundred to one hundred and twenty thousand dollars a year. Only a permanent endowment can triumph in the end over the eruptions of the artistic temperament!

The volume as a whole is rich in information; and, especially, it is valuable as a stimulus to those who are concerned with the progress of civic enlightenment. A great artistic spirit is at work among us—a spirit which bids fair to teach us that the joy of life awaits us in the humblest doorstep, that the use of leisure is "not to kill time but to fill ime."

JOHN CORBIN.

*New York City.*

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COMMERCIALIZED PROSTITUTION IN NEW YORK CITY. By George J. Kneeland. Supplementary Chapter by Katharine Bement Davis and Introduction by John D. Rockefeller, Jr. New York: Century Company, 1913.

The first publication of the bureau of social hygiene of New York is singularly satisfactory in that it is a presentation of facts carefully vouched for and well classified. This story of commercialized prostitution in New York City is gleaned from actual observations by skilful investigators, both men and women, who mingled unsuspected with the owners, managers, and employees of vice resorts. The volume also contains an analysis of the patients in the Bed-

ord Reformatory by Katharine Bement Davis who seeks to get at the underlying causes of prostitution from an examination of institutional cases, and endeavors to discover in what way these may vary from the street cases.

This book does not propose remedies or draw large generalizations of a vague character. Its purpose is well stated at the close of the chapter on "Prostitution, Police and Law," where the author says: "In conclusion, it is proper to state that the purpose of the foregoing chapter is to picture a situation and not by implication to indicate the responsibility for it. Whether the discrepancies between our reports and official records are due to bad laws impossible of enforcement, to the instructions emanating from superior officials, to inefficiency, to corruption, to the existence of evils with which no official machinery can cope or finally to all these causes operating together, we do not undertake to say or to imply. The facts are as stated above; the situation portrayed by them actually exists. It is for the community to consider their significance, and to devise such measures as careful reflection may approve."

Just in that statement of the situation lies the merit of the book. The bureau has performed a real service to the community in this presentation of facts, which include descriptions of vice resorts in Manhattan; places which cater to vice; the exploiters; the prostitute; the customer; the cost of prostitution; its relation to the police and to law; and preventive, reformative and correctional agencies in the city of New York. The reader feels inevitably that estimates of the extent of commercialized prostitution are conservative with no attempt at sensational portrayal.

One of the most important sidelights which the volume sheds upon the responsibility of the community toward this institution or "business" is tha which reveals the attitude of the under world toward the reformer. It is apparent that the underworld regards the latter as a spasmodic force on which it must count for periodical disturbances but from which it fears no permanent and steady interference. The migrations of the owners of the business from place to place in the country are evidence of these periodical suppressions since there are constant returns to old haunts as enforcement grows lax and dispersals to places more free when waves of "reform" arise. The responsibility of city to city is thus made clear.

A distinction is drawn between white slavery and other forms of prostitution which are popularly confused. A further service is that rendered by the attempt to trace the connection between the economic status of the prostitute and her profession. This portion of the study shows that all classes of women are involved as well as all classes of men and that the problem is therefore one of common concern.

We consider this publication especially valuable for public-spirited women; for the facts here presented are indispensable to them as a basis for proposing remedies for prostitution. Every man who reads this story, it would seem, must awaken to a decided sense of the responsibility of men toward women. A social rather than an individualistic conscience must be the inevitable result of a careful study of the facts presented. For this reason the advisability of placing such literature in the hands of all serious students and on the tables of social and political clubs would seem to be clear. Ignorance is no longer a virtue in society. If an awakening can be made intelligent, the fight for righteousness is half won.

Mary R. Beard.

*New York.*

European Cities at Work. By Frederick C. Howe, Ph.D. New York: Charles Scribner's Sons. $1.75.

Modern Cities. Progress of the awakening for their betterment here and in Europe. By Horatio M. Pollock, Ph.D. and William S. Morgan, Ph.D. New York: Funk and Wagnalls Company. $1.50.

Dr. Howe's book on *European Cities at Work* discusses mainly the social and economic problems and activities of German cities. Two chapters deal with particular cities—Düsseldorf as a concrete illustration of municipal socialism and Frankfort-on-the-Main, as an example of business administration. Most of the other chapters on German cities discuss some particular phase of municipal action, such as town planning and city building, the housing problem, means of transit, sources of revenue and the budget. Two chapters discuss the city government and the type of business men who manage municipal affairs, and one offers an explanation of the German city.

In the descriptive chapters, Mr. Howe presents an optimistic and enthusiastic account of German city conditions written in an interesting style which should appeal to a wide circle of readers. Here is set forth the tangible results of the community spirit and high civic ideals which should inspire Americans to raise their own standards and accomplishments. At the same time attention is called to the fact that the housing problem is not solved even in Germany, though he does not consider whether the fact that in German cities from one-half to three-fourths of the population live in one and two room dwellings (p. 161) may not serve to explain much of the larger scope of social activities by the municipal authorities.

On the other hand, in attempting an explanation of German municipal success, Dr. Howe is distinctly less satisfactory; and this phase of the subject calls for keener analysis than has yet been made. The author lays the chief emphasis on the large powers of home rule; but in doing so overlooks the central control of police and sanitary administration in most of the large cities, and barely mentions the system of administrative supervision over the local authorities. He recognizes a connection between the direct payment of taxes by the body of voters and economical and efficient administration, but at the same time considers our American system of local taxes much better than the German; but he does not discuss the dilemma thus presented as between the economic and political results of methods of taxation. Moreover, he fails to answer the question whether the control of the municipal government by business men and land owners in Germany may not explain the retention of the income tax and the relatively small proportion of direct taxes paid on real estate—even including the unearned increment tax.

In discussing the British cities—which have been more fully described in an earlier work—attention is given to municipal ownership and garden suburbs. But what has been gained in these lines seems to the author to be more than balanced by the lack of municipal autonomy and the monopoly of land ownership, and the general impression presented is much more gloomy than that of other American writers on municipal government in Great Britain.

From the high praise given to German municipal achievements, the relatively discouraging report of British conditions and the entire omission of any reference to French cities, a critic of democracy might suggest that municipal success in Europe appears to be in inverse ratio to the degree of political democracy. The posibility of this deduction might well have received some attention and reply from a staunch upholder of democracy. To the writer of this review it at least seems demonstrable that democracy and efficient municipal government are nor necessarily identical; and that the problem in this country of securing effi-

cient democracy in our cities, while it presents a higher ideal, is (for that reason perhaps) one more difficult of attainment than that of securing successful results under other political conditions.

*Modern Cities* deals mainly with social conditions and problems in both American and European cities. It discusses both the work of public authorities and private associations for social betterment and gives relatively little attention to municipal organization. Thus various chapters take up such topics as city planning, the housing problem, the value of art, public health, educational developments, religion and municipal life and the social evil. The writers were associated in municipal betterment work in Albany, New York, and have also made use of impressions and studies in connection with what appear to have been relatively brief visits to Europe.

The book calls attention to some of the more recent tendencies towards social betterment in American cities, and also adds to the accessible information on Italian city condition. Thus, in the latter field are accounts of housing conditions and reforms in Rome and Genoa, a detailed account of harbor improvements in Genoa, and a discussion of the Montessori schools in Rome. But the work as a whole lacks systematic analysis and in value is very uneven. In some chapters are tables of detailed and undigested statistics; in others there are only general statements without specific data; while the literary style leaves much to be desired.

Two interesting chapters are those on public health and the social evil. But, as usual, these are treated as substantially distinct problems. There would seem to be some relation between declining birth rates and a decrease of infant mortality; and a more thorough analysis might find some connection between declining birth rates, the problems of marriage and divorce and the social evil.

JOHN A. FAIRLIE.
*University of Illinois.*

OUR CITY CIVILIZATION. By Henry Rawie. Baltimore: Williams and Wilkins Company, pp. 245. $1.

The title of this book gave us the impression, before reading, that we would be conducted through the tenement and alley life of our cities, the life of the factory and department store, the butterfly existence of our four hundreds, the present day standards and ethics of city civilization compared with the past and future. It is nothing of this sort. Tucked away in small type on a flyleaf is a sub-title "The Science of Value" which although vague is more suggestive of the real content.

The author says he was twenty years in writing it. Too bad. Rightly directed one can accomplish wonders in that time yet we fail to see what Mr. Rawie has or can accomplish with this twenty year effort.

To this practical age the book brings no practicable message. Far too many such books are turned out every year. The pity of it. Nothing grips the attention of the reader. Chapter after chapter of tiresome abstract statements. The reason for the book, as we analyzed it, is found in a paragraph in the second chapter as follows:

"While it is true that wealth may only arise from the growth of cities, it is also true that the city is responsible for its unequal distribution, and for the worst forms of suffering and injustice that have ever afflicted the human race."

Then we have fourteen more chapters wherein the reader seeks for something definite to lay hold of but does not find it until in Chapter XVII (the last) we reach this sentence:

"The solution imposed upon me by my taskmaster was as much a surprise to me, as it may be to the reader, and so simple as to almost appear ridiculous—a cash market—a proposition that it now appears should have been self-evident."

Fine, we say, a cash market, what next? Here it is on the next page. Sim-

ple remedy, simplicity itself in the sentence:

"The cost price by which money is being constantly consumed must become the basis of the price above cost by which money that is not consumed will represent the wealth that is not consumed but must be distributed."

Did you get it? Neither did we.

If we remember correctly the demand in our last financial panic was for additional instruments and means of credit. Yet now comes our twenty year book on its last page with some more perfectly simple "remedy."

"The problem of distributing wealth is a simple one, and may be simply solved, by having the money buying and selling wealth become the money paid in wages, to have the demand and supply of money made equal by abolishing debt, by which the present inequality in wealth is carried from one generation to another."

* * * *

"The cash market will equalize the distribution of wealth; will enormously expand the circulation of credit money; will advance wages to equal the selling price of capital and commodities each year; will change the price of land to higher prices of improvements, and correct the evils that now inflict society with its multitude of sins."

True, some of our greatest minds have been a generation ahead of their time and their remedies have ultimately been adopted. However, we prophesy that the realization of the remedy recommended in this book will more nearly coördinate with the millennium.

HERBERT R. SANDS.

*New York City.*

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THE MAKING OF A TOWN. By Frank L. McVey. Chicago: A. C. McClurg, 1913, cloth, 12 mo., pp. 221. $1 net.

A great deal has been said and written about city planning and town promotion, but for the most part this has dealt with the large city rather than the small one. Little has been written that is applicable to the small town, where the opportunities for timely planning are greatest. *The Making of a Town* is offered as a contribution to this field. It contains a statement of the problems with which every town throughout the country is confronted and offers suggestions which should be helpful in bringing to notice, particularly to the average citizen, some of the essential features and prerequisites of proper town development, and the need of careful planning and direction. The author, who is president of the University of North Dakota, makes no claim to exhaustive treatment of the subject, but seeks merely to formulate the purposes and state the problems of town building which confront the small and growing community. The volume is a good popular general presentation of the main features of town planning and contains many pertinent and helpful suggestions. Not being too exhaustive in its treatment it is especially well adapted for the business man, the member of the chamber of commerce, or the citizen interested in the improvement of his town. The author approaches the subject in a broad way, presents his views in a pleasing and interesting style, and many of his observations apply equally to the city of any size.

The first chapter deals with town building and the necessity of coöperation between all civic and business organizations to bring about a permanent and stable growth in the right direction. Another deals with the essential features of a comprehensive city plan and the scope it should cover. The following four chapters deal with what the author terms the four fundamentals, health, the schools, morals, and business, a chapter being devoted to each, while a later chapter deals with government and administration. It is difficult to understand why this last should not be included in the list of fundamentals, in as much as the four named depend to so large an extent upon an efficient governmental organization. But perhaps this is a fault of arrangement only. Other chapters are devoted to the entrance to

the city, organizations and what they can do, advertising the town, and the future of the town. At the end of each chapter is a short and well selected list of references for further reading upon the subject of the chapter.

On the whole the volume is a very suggestive one and should be welcomed by all those interested in the betterment of town conditions and more efficient government in our smaller communities. It is a volume that can well be read by the average citizen to give him a broad yet local view of the demands and future requirements of his town. It is attractively bound in brown and gold.

FORD H. MACGREGOR.
*The University of Wisconsin.*

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PRINCIPLES OF PRUSSIAN ADMINISTRATION. By Herman Gerlach James. New York: Macmillan Company, 1913, pp. 309.

This is an accurate and lucid account of the very complex system of administration which Prussia gradually built up in the course of several centuries. The first chapter shows the historical foundations, upon which the great organic legislation of the nineteenth century was based; to this the greater part of the book is devoted. In addition to a description of the administrative organization of the country we find also a summary of the important legislation touching matters of public administration; such as the laws of the police, law of press and of association, the poor laws, the system of public schools, and labor legislation. These subjects include the imperial or federal statutes which are administered by the state authorities. The book thus gives more than the title indicates, and the student of comparative public law will find it a convenient and reliable handbook.

At the same time he will also be somewhat disappointed. While the task that Mr. James has set to himself has been well performed, it has been confined to too narrow a compass. The dry bones of the sections of statutes are not enough; we ought to get something of their significance and their operation. For instance, it is a striking fact that while imperial laws are left to state administration there is no supreme judicial federal authority on matters of public law. What happens if a liquor license is illegally refused? On page 66 there is a brief statement as to the power of supervising organs to demand information of the state executive. If this is all the machinery of control, a statement to that effect would be in order. Nor does it appear from the book that the localities below the province, especially the district, are of greater administrative importance than the province itself; yet that is a striking fact of Prussian administrative organization. Altogether there is not enough of critical comment to accompany the exposition of purely legal form and structure.

Exception may also be taken to Mr. James' translation of some technical terms. "Ministry of state" does not convey to us the idea of a council of ministers for which it stands, and the "county prefect" would be preferable to the "circle director." The most literal is not always the most faithful translation, and scrupulousness may easily become pedantry. But slight blemishes like these do not detract from the solid merits of the work.

ERNST FREUND.
*Chicago.*

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CITY BUILDING. By S. H. Clay. Cincinnati: Clark Publishing Company, 1913, cloth, 8 vo., pp. 165.

This volume is written by the secretary of the Commercial Club of Lexington, Kentucky, and is offered as a suggestive program for the commercial secretary. It is full of suggestions for commercial club activities and should be of no little assistance in directing them in the larger cities. In fact, it is a practi-

cal program which could be adopted as a working basis for any commercial club or chamber of commerce in a large city. Nearly all other books on town promotion that have thus far appeared have dealt with generalities, have discussed the subject in the abstract. The present volume deals with it in a concrete way. Instead of discussing what should be embodied in a town promotion program it actually works out the program. The author has collected a great deal of valuable information with reference to the organization, methods, and activities of commercial bodies in the principal cities of the country, and has put the material in concise and convenient outline.

The volume contains thirteen chapters, each of which is divided into six sections each section being two pages in length. The scope of the volume is indicated by the chapter headings which run as follows: The commercial organization; publicity; location of industries; conventions; extension of trade; street building and cleaning; transportation; the city beautiful; education; government by commission; good roads; and agriculture. The method of treatment is shown by the subdivisions of the chapters. The one on good roads, for instance, deals with: Importance of good roads to a community; an educational campaign for good roads; where good roads are found; some national highways; approved methods of building improved roads; and how to finance construction of improved roads. In the same way the chapter on publicity contains sections on the value of publicity, how to secure it, the personal letter campaign, booklets and folders, post card day, display advertising, the news bureau, and similar subjects.

The chief criticism that can be offered to the work is that the arbitrary outline followed necessarily requires all subjects to be treated uniformly. Some of the subjects cannot be adequately treated in two pages, while possibly others might be disposed of with less. So broad a field does not readily lend itself to an arbitrary, cut-and-dried treatment. For the purposes for which the volume was intended, however, an inadequate treatment is doubtless to be preferred to one too exhaustive and long. As it is evidently intended as a program of suggestion and direction rather than advice, it will serve its purpose in its present form. It is purely a utility work, and the author himself, probably, would claim for it no literary merits. It is to be regretted that it could not have appeared in a more attractive form. The typographical work is very poor and bears evidence of having been carelessly and hastily done.

Ford H. MacGregor.
*The University of Wisconsin.*

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The Oregon System: The Story of Direct Legislation in Oregon. By Allen H. Eaton. Chicago: A. C. McClurg and Company, 1912, pp. VIII, 195.

Mr. Eaton's book is described as "a presentation of the methods and results of the initiative, referendum and recall in Oregon, with studies of the measures accepted or rejected, and special chapters ters on the direct primary, popular election of senators, advantages, defects and dangers of the system." He discusses somewhat in detail the sixty-four different measures passed upom by the voters of Oregon at the regular biennial elections from 1904 to 1910 inclusive. Of these measures, thirty-one were adopted and thirty-three rejected.

Mr. Eaton's book is very interesting. The author is favorable to the principle of direct legislation, but is critical of some of the practices connected with it in Oregon. He points out as one of its direct benefits, the increasing interest of the average elector in legislation, and shows that the press and all sorts of organizations take a very active part in the discussion of measures referred to the people. He states that

"thousands of men who never participated in politics under the old régime have become interested and feel a responsibility that is new and strong." As indirect benefits of the system he cites the enactment of the primary law with provision for the direct election of United States senators, home rule for cities, a corrupt practices act, the presidential preference primary law, the recall as applied to all public officials, and several other measures.

As evils and dangers of the system, he calls attention to the high cost of direct legislation, and states that the safeguards of the constitution have been entirely destroyed, that the people have been fooled into passing laws against their own interests and convictions and that the machinery of direct legislation has fallen into the hands of dishonest men, who, for money and spite, have abused their privileges, misrepresented the citizenship and brought disgrace upon the state. He does not regard the objection based upon the cost of direct legislation as very serious. He points out, however, that the constitution has been thrown into the melting pot and can now be amended with as much ease and by the same methods as the statutes. He points out specifically how the single taxers induced the people to pass a home rule tax amendment in 1910 by a trick. The attention of the voters was concentrated on the prohibition of the poll tax —which did not exist—and called away from the real significance of the amendment, in regard to which the people, at the previous election, had expressed themselves negatively by an overwhelming majority. He also tells an astonishing tale of spite and fraud in the referendum campaigns against the University of Oregon. This story brings out the abuses of the initiative and referendum in the matter of the petitions.

Mr. Eaton suggests certain amendments to the Oregon system which, in his judgment, would do away with the most serious of the evils referred to, and make it possible for the system to work out according to the intention of its real friends. These suggestions are as follows:

1. Abolish the professional circulator by making it a crime for any man to give or receive money for signatures on initiative or referendum petitions.

2. Provide that the petitions shall be placed in the hands of the registration officers so that they will be signed without personal solicitation by those who have a genuine interest in them.

3. Make it unlawful for any one but a registered voter to sign a petition, and provide that the signatures shall be checked off against the registration lists by the county clerks before being filed with the secretary of state.

4. Provide for a drafting committee or commission appointed by the governor or state board of control to prepare the ballot titles and to make the purpose of proposed measures clear to the voters in the electors' pamphlet and through the press. No bill should be drafted covering many different subjects.

5. Provide either that constitutional amendments shall be passed at two consecutive elections or that, before being submitted to the voters, they shall be presented to the legislature for examination, discussion and possible amendment.

Mr. Eaton's book came out before the 1912 election, at which thirty-seven additional measures were passed upon by the Oregon electorate. The home rule tax amendment, which he describes as having been foisted upon the people by trickery, was repealed. Woman suffrage, which had been defeated at the three preceeding elections by increasing majorities was adopted. The average percentage of the voters who took the trouble to vote on measures was 74, as against 72 in 1910, 77 in 1908, 76 in 1906 and 78 in 1904. Ten of the thirty-seven measures submitted were approved.

Delos F. Wilcox.

*New York City.*

THE COMMISSION PLAN. By George F. Rudisill. Columbus, Ohio: The Federal Printing Company. 25 cents.

This is a little 80-page paper-bound book for those who wish to secure an elementary knowledge of the subject. The chapters are fifteen in all, and tell in a clear and simple way the origin of the movement and some of the more conspicuous results achieved by the plan in various cities. The details of the charters are not given, but the general underlying principles are made clear.

The book is not critical in its treatment, and evidently is not intended to be such. For example, the statement of the results is compiled partly from official statements and partly from newspaper items, without analysis. The sum total of these statements is somewhat impressive but they could hardly be taken as authoritative. The list of cities under the commission plan is corrected up to June 18, 1913. A bibliography contains the names of all the better known books on commission government.

H. S. GILBERTSON.

*New York.*

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REPORT OF THE MAYOR'S BILLBOARD ADVERTISING COMMISSION OF THE CITY OF NEW YORK. August 1, 1913. Robert Grier Cooke, Chairman. Albert S. Bard, Secretary. Pp. 151, including 25 pp. illus.

The billboard erectors and their attorneys, and a few of the deceived business men who are their customers, have the habit of blaming all anti-billboard literature either on "long-haired or short-skirted" fanatics, or on the self-interest of those whom they presume might profit if their methods of publicity were prohibited, restrained, or even brought under reasonable regulation. But here is a presentation to which any such motives cannot be truthfully ascribed. The late Mayor Gaynor, doubtless moved by what he saw in New York, on December 24, 1912, constituted a commission of seven men "to look into the matter of advertising in New York City by means of billboards, sky-signs and kindred devices, and to report to the mayor thereon with their recommendations."

This commission held many meetings, and its members also did much individual investigating, during eight months of 1913. The result is this able, considerate, clearly expressed report with its illustrations and definite recommendations. Use was made and acknowledged of an excellent investigation in 1912 of billboard advertising by the then commissioner of accounts, Raymond B. Fosdick, and also of a report to Mayor Gaynor January 11, 1913, upon "new sources of city revenue."

The New York commission has studied the legal, moral and financial aspects of the billboard problem, as well as its esthetic relations. The report is by far the most extended, searching and definite presentation yet made in relation to outdoor advertising in America, and its admirable summary of the attempts to regulate and of existing regulations in American and foreign communities will prove exceedingly valuable to those elsewhere than in New York who are endeavoring to cope with the "ugly-fying" flood of American billboards.

The billboard situation in New York, reports the commission, "has been allowed to grow up practically unrestrained until it has reached such proportions that the most serious efforts are now needed to bring it under regulation." Because "it is entirely optional with a person whether he will read advertisements in newspapers and circulars" while "an outdoor advertisement is thrust upon his attention whether he will or not," the commission concludes that as it also lends itself to "the creation of physical dangers and nuisances which do not accompany periodical or circular advertising . . . . outdoor advertising so intimately affects the public welfare that its governmental regulation appears to be entirely justifiable."

Billboards "are thrust into the finest

vistas which our public places present; . . . . they neutralize the effects produced by the exercise of our finest genius and the expenditure of vast sums of money . . . . increase the fire risk . . . . in the subway and elevated stations interfere with the free use of the platforms and prevent the recognition of the station signs. . . . . Illuminated signs interfere with sleep."

Most significant, in its statement as to the confusing views held by courts, is the declaration of the mayor's commission that "We believe the time has arrived in this state when public sentiment will warrant writing the word 'beauty' into the constitution."

The investigation showed the existence in New York City in 1912 of "a total area of 3,800,000 square feet, or about 90 acres of billboard advertising surface." Of this vast area, the erections of 1911 alone, for one year, would, as a fence 10 feet in height, "extend for a distance of 7.3 miles."

The revenues of the street railway advertising business alone aggregated, as reported to the public service commission in 1911, $1,107,065.13. The inefficient advertising value to the advertiser of this and the much more extensive billboard areas is attacked with many definite quotations, and the insignificant item of $9000 a year derived by the city from permits to erect electric signs is given as an instance of the escape of the advertising interests from just taxation.

For the control of the evil, the commission makes seventeen definite recommendations, several of which would require constitutional amendments as a precedent to legislative action. The recommendations include the prohibition of billboards "on or in the immediate neighborhood of parks, squares, public buildings, boulevards," or where they "obstruct a fine view;" the sharp censorship of "objectionable advertising;" sanitary regulation to prevent indecency or the accumulation of filth or rubbish; the prohibition or restriction of flashing electric signs "in or near residential districts . . . . hotels, hospitals and other places where they disturb sleep;" the limitation in size of all signs; local option as to sign erection in localities; and "the imposition of a graded excise tax upon the business of outdoor advertising."

Should nothing be done in the metropolis as a result of these recommendations, the country at large will nevertheless be greatly indebted to the late mayor for suggesting, and to this able commission for making, this most importantly comprehensive showing of the present intolerable billboard situation.

J. Horace McFarland.

The Report of the Philadelphia Baby Saving Show. With the Proceedings of the Conference on Infant Hygiene. May 18–26, 1912. Philadelphia: The Executive Committee. [On sale by the Child Hygiene Association.] Pp. 270; illus. $1.

The greater part of this well made volume consists of a "Directory and Catalogue of Exhibits, Charts, Diagrams, Signs and Illustrations," which includes "a copy of every chart and the descriptive legend which appeared on each of the photographs and drawings shown in the entire exhibition." By this means much information is given which is valuable both in itself and by way of guide or suggestion for later exhibits. Another useful feature is a brief financial statement showing under eleven heads how the $14,704 which the exhibit cost was distributed. Nearly a hundred pages are filled with the papers presented at the conference and a summary of the discussions which they elicited. Among the papers were: "Municipal Child Bureaus," by S. Josephine Baker, M.D.; "Infant Milk Depots," by R. G. Freeman, M.D.; "The Effect of Housing upon Infant Mortality," by Prof. C.-E. A. Winslow; "Education for Better Parenthood," by Dr. Helen C.

Putnam; and "The Value of Recreation in Relation to Infant Mortality.

M. N. Baker.

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The New Public Health. By H. W. Hill. Minneapolis, Minn.: *The Journal-Lancet.*

Dr. Hill pleads forcefully because in every-day language and with strength of conviction for the general adoption of the new point of attack against the spread of communicable diseases which is now being practiced by a few of the most progressive health departments. This point of attack is infected persons and is designed to prevent infection from escaping from them directly to other and well persons, which is the greater danger, and destroys infective material before it can infect things and be scattered beyond control, which is a lesser but in many cases still a serious danger.

Specific chapters that may be mentioned deal with the public health engineer, the laboratory and statistician. The public health engineer, when given the work for which he alone is trained, will plan, build or otherwise provide and operate all sanitary works and services, leaving to the health officer the task of controlling the infective individual and of destroying his infectious discharges before they reach the main routes of infection, which are water, milk, certain other foods, contact and flies.

Dr. Hill writes from a full and deep experience in the laboratories of the Boston board of health and later as director of the division of epidemiology of the Minnesota state board of health. The contents of his valuable little book originally appeared as a series of articles in the Minneapolis *Journal-Lancet*, under the auspices of the Minnesota state board of health. At present Dr. Hill is director of the Institute of Public Health, London, Ont.

The book deserves a wide circulation and careful reading, both among health officers and laymen, and particularly among physicians, a large percentage of whom are essentially laymen in all matters of public as contrasted with private health.

M. N. Baker.

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Hygiene for Health Visitors, School Nurses and Social Workers. By C. W. Hutt. London: P. S. King and Son. 7s. 6d.

An essentially practical book covering a wide range of topics of interest in the United States not only to our health officers, visiting nurses and social workers, but also to the housekeeper, mother, school teacher and college student who wishes to know "what to do about it." There is no emergency for which the reader is not prepared, from colic to choked drains.

The commonsense suggestions of Dr. Hutt include questions of personal hygiene, dietetics, clothing, ventilation and heating, building construction and all common sicknesses of children and adults. Two valuable chapters deal with "first aid to the injured" and with the symptoms of infectious diseases, how they should be isolated, disinfected, directions for simple home nursing, etc. In each chapter, whether on standard foods, physical exercises, pure water supply, disposal of refuse or plans for model dwellings, special emphasis is put on the relation of public schools to these questions of public health. The care of school buildings, model seats and desks and cloak rooms are given considerable space. The book ends with a digest of legal knowledge which bears on public and private health and on the welfare of children in England.

Numerous charts, diagrams and photographs add to the definiteness of the simply-worded descriptions and suggestions, which always rest on a basis of fact and science. A complete index makes the volume convenient for ready reference.

William H. Allen.

*New York.*

London Public Health Administration. By W. McFranklyn. London: Longmans, Green and Company. 90 cents.

After a slight historical sketch a tabulated summary is given of 41 "services" more or less closely related to the public health of London, such as infant life protection, baths and wash-houses, burials, smoke control, and sewerage. Following this summary is a chronological list of parliamentary acts "and a note of some other events" connected with London public health administration. The volume is a small handbook designed to meet the need of "foreign visitors to London," and is a summary of a larger book on which the author is engaged.

M. N. Baker.

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The Reduction of Domestic Flies. By Edward Halford Ross. Published in London, by John Murray; in Philadelphia, by J. B. Lippincott Company; pp. 103, with illus.

"The object of this book is to bring to public notice the necessity for the reduction of domestic houseflies in cities, villages and rural districts," writes Dr. Ross, whose experience as health officer at Port Said, the Suez canal district and Cairo, has surely given him plentiful reason to know to dread and to try to destroy the little beast of which his present book treats. He writes from the British standpoint, and says: "In some countries anti-fly campaigns are in progress, but in Great Britain little has so far been done generally to attack this problem."

Dr. Ross presents a clear picture of the fly's progress, and he again successfully indicts it of many serious crimes. But the life history of the fly, and its scientific analysis, are of little importance in comparison with the problem set out in the title of the book. It is actual help in the life-saving campaign involved in the reduction of domestic flies that we most need.

Disappointment will be felt by the American fly-fighter who looks to this English authority for anything new or especially helpful. Like every other writer on the subject, Dr. Ross tells us that horse-manure is the favorite "lair" of the fly and its larvae. Then he goes on to say: "The easiest and best way to reduce the total number of flies in any given community is to kill the fly-larvae when they are feeding in the manure-heap; and the easiest way to kill the larvae is to destroy the manure-heap and all it contains. . . . . The manure must be destroyed regularly once every week during the fly-breeding season." But how? "A little paraffin [kerosene in America] thrown over a manure-heap does no harm to its properties."

This statement does not agree with the experience of thoughtful American investigators. In Bailey's *Farm and Garden Rule Book*, an authoritative source, Prof. C. R. Crosley, writes: "It is rather difficult to treat manure-piles with any substance to prevent fly breeding: chloride of lime, kerosene and iron sulphate have been tried, but when used in economical quantities are not effective."

Further, while it is both practicable and proper to ask the city stableman to cover, send away or destroy the horse-manure he has to do with, it is neither to make such a proposition to the farmer, to whom horse-manure, either from his own stables, or from the cities, has a definite value. Professor Roberts, in the work just cited, gives $27.74 as the value per year of the manure per 1000 pounds of horse, which means that the average horse is worth to his owner for fertilizer alone about $2.50 per month. Will he willingly spend considerable money for kerosene to destroy that value?

Dr. Ross has failed, as his predecessors have failed, to propose a practicable means for controlling the breeding of flies in their chief birth-place, the manure-pile. It is high time for these sanitarians to investigate, devise and de-

termine such means; and while this and other similar books are useful as extending knowledge and dread of the "typhoid fly," they are less valuable than they ought to be because they merely generalize upon means for checking the fly pest at its most potent source.

J. Horace McFarland.

*Harrisburg, Pa.*

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The Mixing: What the Hillport Neighbors Did. By Bouck White. New York: Doubleday, Page and Company, pp. 344. $1.20.

It is significant of the new position in the United States of community advance that it should become the theme of the novelist. Slavery had dealt to it no harder blow than the publication of *Uncle Tom's Cabin,* and great movements have ever, in the fullness of time, evoked great romances or great stories.

*The Mixing* follows the fortunes of a town to which commuters had been attracted by its favorable proximity to a metropolis, after a preacher who sought to serve his people whole-heartedly had realized the sharp line of separation between the natives and the new residents. He had a "rally day," out of which grew the founding of a "neighborhood association," and many other things also happened to mix the various classes in Hillport into a community with civic consciousness.

There followed the organization of a coöperative marketing company, a traveling library, a newspaper and a printing-office and other somewhat remotely related enterprises. The local political gang was broken up, the boss becoming a leader for better living.

The book is a curious mixture of excellent ideas for community betterment, industrial coöperation and practical religion, combined in a fashion which does not seem possible to occur. There are notable inconsistencies developed, and there is a peculiar similarity in the dialogue, and in the rather crude English used throughout.

The impression is made that the writer of this book has had little of real experience upon which to base his presentation, though it is apparent that he wants to be of service. It is regretted that knowledge of the practical working of improvement movements could not have served to provide in this book a more definite background for the rather entertaining succession of events which make up *What Hillport Neighbors Did.*

Though the *Uncle Tom's Cabin* of civic advance is yet to be written, *The Mixing* can do some good, until the greater book appears.

J. Horace McFarland.

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Safety: Methods for Preventing Occupational and Other Accidents and Diseases. By William H. Tolman and Leonard B. Kendall. New York: Harper and Brothers. Illus. $3.

Like charity, safety, in this volume, covers a multitude of sins—and of virtues as well. The book is of the propagandist order, rather than a scientific treatise, and takes in many subjects which really fall in that ill-defined field called "Social Welfare"—to which latter subject, indeed, more than a hundred pages are specifically devoted, besides the space taken up here and there through the book.

Of the four parts into which the volume is divided the first deals with "General Conditions;" the second with "Danger Zones," or physical dangers incident to various industries; the third with "Industrial Hygiene," including trade poisoning and shop sanitation; and the fourth, as already stated, with "Social Welfare." The closing chapter of this section and of the book describes the American Museum of Safety.

Although Parts I and II of the book contain many descriptions of safety devices and protective measures which may be directly useful in promoting safety, the treatment under each head, such as transportation, is sketchy and

fragmentary—suggestive rather than complete and not at all systematic.

A few loose and misleading statements relating to matters of sanitation and engineering suggest that a critical examination of other portions of the book dealing with technical matters would show that the authors have fallen into a number of the pitfalls which beset those who attempt to cover a wide range of subjects regarding which they have only a general knowledge without any understanding of fundamental principles and important details.

M. N. Baker.

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Specifications for Street Roadway Pavements. With instructions to inspectors on street paving work By S. Whinery. Second Edition. New York: McGraw-Hill Book Company, 1913. Cloth, 6 by 9 in., pp. 116. $1 net.

Asphalt Construction for Pavements and Highways. A pocketbook for engineers, contractors and inspectors. By Clifford Richardson. New York: McGraw-Hill Book Company. Flexible cloth, 4 by 6 in., pp. 515, illus. $2 net.

Each of these books is designed primarily for men engaged in street paving but will be useful to any intelligent person sufficiently interested in pavements to be willing to study the technical details essential to good work. Mr. Whinery's book includes specifications for all classes of city pavements, as well as for concrete curbs and gutters and concrete sidewalks; it also contains some twenty-five pages of instructions to paving inspectors. Mr. Richardson's book covers the whole range of construction of asphalt pavements and asphalt and stone roadways for country districts, including the selection, proportioning, mixing, testing and placing of the materials—but it is limited to Trinidad and Bermudez asphalt. It should be noted further of Mr. Whinery's book that it contains an excellent brief discussion of the principles which should govern specification writing. This discussion applies with almost equal force to any class of municipal or state work and deserves wide and attentive reading. Finally, each book, within the limits of its respective field, deserves high commendation as a condensed presentation of much knowledge gathered through years of close study and practical experience.

M. N. Baker.

*Montclair, N. J.*

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Water Works of Canada. Compiled by Leo G. Denis, Ottawa, Ont.: Commission of Conservation.

The "principal physical and financial data" for 346 waterworks plants in nine provinces of Canada are given in text form. This information is followed by a number of summaries showing, among other things, ownership (276 municipal to 70 private) and growth of water works in numbers by half decades (from 4 in 1850 to 348 in 1911). Water rates are given in detail for various cities. The compiler of the volume, who is hydro-electric engineer of the Commission on Conservation, appears to have done a very creditable piece of work, which might well be revised and extended at frequent intervals, if not annually.

M. N. Baker.

## BOOKS RECEIVED.

Department of Commerce, Bureau of the Census, Special Reports. General Statistics of Cities: 1909. Including Statistics of Sewers and Sewage Disposal, Refuse Collection and Disposal, Street Cleaning, Dust Prevention, Highways and the General Highway Service of Cities having a Population of over 30,000. Prepared under the supervision of LeGrand

Powers, Chief Statistician for Finance and Municipal Statistics. Washington: Government Printing Office, 1913.

General Plan of a Park and Playground System for New London, Conn. By John Nolen. Boston: George H. Ellis Company, 1913.

Guide Book to Childhood. A Handbook for Members of the American Institute of Child Life. Prepared by William Byron Forbush, Ph.D., President of the Institute. Second Edition. Philadelphia: American Institute of Child Life, 1913.

Health and School. Frances Williston Burks and Jesse D. Burks. New York: D. Appleton and Company. $1.50.

Our Nation's Health Endangered by Poisonous Infection Through the Social Malady. The Protective Work of the Municipal Clinic of San Francisco and its Fight for Existence. By Dr. Julius Rosenstirn. San Francisco: 1913.

Preparing for Citizenship. By William Backus Guitteau, Ph.D. Boston: Houghton, Mifflin Company.

Proceedings of the Fourteenth Annual Convention of the League of Cities of the Third Class in Pennsylvania, Erie, Pa., August 26, 27, 28, 1913. Published by the League.

Proceedings of the Sixth Annual Meeting of the Minnesota Academy of Social Sciences. Edited by Jeremiah S. Young. Published by the Academy, 1913. $2.

Public Opinion and Popular Government. By A. Lawrence Lowell. New York: Longmans, Green and Company. American Citizen Series. $2.25.

Public Utilities: Their Cost New and Depreciation. By Hammond V. Hayes. New York: D. Van Nostrand and Company. $2.

Religion in Social Action. By Graham Taylor. With an introduction by Jane Addams. New York: Dodd, Mead and Company. $1.25.

Sixth Meeting of the National Assembly of Civil Service Commissions, New York City, June 12, 13, 14, 1913. Published by the Citizens' Committee appointed to arrange for the Social Entertainment of the Delegates by His Honor the Mayor of the City of New York.

Social Forces. A Topical Outline with Bibliography. Issued by the Educational Committee, Wisconsin Woman's Suffrage Association, Madison, Wis. 15 cents.

Transactions of the Ninth International Otological Congress, Boston, 12–17, 1912. Edited under the direction of the Publication Committee by Dr. Henry O. Reik. Baltimore: Williams and Wilkins Company.

# DEPARTMENT OF REPORTS AND DOCUMENTS

## BIBLIOGRAPHICAL[1]

Miss Adelaide R. Hasse, *Chief of the Division of Documents, New York Public Library*

Associate Editor in Charge

### General

Cincinnati, Ohio. Account (An) of the administration of Henry T. Hunt and his associates. 1913. 16 leaves. 8°. **Np.**

Issued as a campaign document pending the November election in Cincinnati, Ohio. It may well serve, however, as a valuable record of the successful administration of an able mayor.

Alpena, Mich. A city and county of opportunities. 16 leaves. illus., 1 map. 8°. **Np.**

Published by the board of supervisors of Alpena County, common council of the City of Alpena and the Alpena Chamber of Commerce.

Baltimore. Some things you should know about your city government; series of practical talks on Baltimore delivered before the Women's Civic League; excerpts from the Baltimore Municipal Journal. 1913. **Sp.**

Government of city, the budget, water and sewage systems, paving and street cleaning, health problems.

Chicago, Ill. Bureau of public efficiency. The office of county treasurer of Cook County, Illinois. An inquiry into the administration of its finances with special reference to the question of interest on public funds. November, 1913. 67 p. 8°. **Cc; Cm; Cs; Np.**

—— Civil service commission. Reports on the bureau of streets (of the) department of public works. 1913. 113 p. 29 plates. 4°. **Cc; Cm; Cp; Cs; Np.**

Investigations conducted at the order of the city council and at the request of the commissioner of public works, April 21, 1913 to October 15, 1913.

———— Report (by the efficiency division of the commission) on the investigation of engineer and janitor service (of the) board of education. 1913. 71 p. 3 folded diagrs. 4°. **Cm; Cp; Cs; Np.**

Inquiry conducted at the request of the board of education, May 1, 1913, to September 5, 1913.

Chicago Association of Commerce. Civic industrial committee. District map of Chicago. 1913. 35 x 16⅜ in.

Map shows railway lines, terminals and stations, street railways, population and in a way distribution of labor of 40 districts into which the city is divided. The map is reproduced in Chicago Commerce, the weekly organ of the Association, of November 21, 1913. Copies of practicable size may

[1] By arrangement with the Chicago School of Civics and Philanthropy and the St. Louis Municipal Reference Branch of the Public Library, the libraries of those cities will hereafter coöperate in the compilation of the bibliography printed in the National Municipal Review. The task of assembling the Chicago material has been undertaken by Miss Renée B. Stern of the Chicago School of Civics and Philanthropy. Mr. A. L. Bostwick of the St. Louis Municipal Reference Branch will assemble the material for St. Louis. The symbols attached to titles in the bibliography indicate the libraries which have reported the receipt of the title.

Explanation of symbols

**Cc**, Chicago, City Club Library
**Cj**, Chicago, John Crerar Library
**Cm**, Chicago, Municipal Library
**Cp**, Chicago, Chicago Public Library
**Cs**, Chicago, Chicago School of Civics and Philanthropy
**Np**, New York City, New York Public Library
**Sp**, St. Louis, St. Louis Public Library

In this connection it may be well to state that it is not the intention to include titles of annual reports in the Bibliography, except in special instances. An annual report issued for the first time will always be included; as well as one issued in a changed form. An annual report containing unusual features will also be noted.

be obtained by addressing W. R. Humphrey, industrial commissioner of the Association, 10 South La Salle Street, Chicago, Ill.

A similar map for Cleveland is noted below under Hurd, D. F.

CHICAGO REAL ESTATE BOARD. How can we obtain drainage, sewage disposal, water power and harbor for Chicago? by Henry H. Walker. November 5, 1913. 8 p. (Bulletin no. 5). **Cm.**

DETROIT, MICH. Municipal manual of the city of Detroit; facts and figures pertaining to the various departments of the city government, and incidental information on many subjects of general interest. Compiled by Richard Lindsay, City Clerk. 1913–14. **Sp.**

GALVESTON, TEXAS. Report of a sanitary survey of the city of Galveston, Texas. 30 p. 12°. **Np.**

The printed report is without a date, but a communication of the Galveston Commercial Association of November 12, 1913, refers to the report as that of a recent survey. A survey of the general physical state of Galveston, including housing conditions.

HAMILTON, ONTARIO. Hamilton, Canada, its history, commerce, industries, resources. Issued under the auspices of the City Council in the centennial year 1913. 340 p. illus. 8°. **Np.**

HAMILTON, WILLIAM B. A social survey of Austin (Texas). 1913. x, 89, xix p. 8°. **Np.**

Bulletin of the University of Texas, No. 273. Humanistic Series, no. 15.

HODGES, LEROY. Training for citizenship. An article on the Winston-Salem plan of training for citizenship. Presented to the U. S. Senate, September 18, 1913. 5 p. 8°. (U. S. 63 congress, 1 session, Senate doc. 188.) **Cp. Np.**

Describes an instance of successful organization of boys for training in the obligations and responsibilities of citizenship.

HOWARD, GEORGE E. Present political questions. An analytical reference syllabus. November, 1913. 184 p. 8°. **Np.**

Professor Howard is head professor of political science and sociology in the University of Nebraska. The volume is published by the University. Section 12–17, p. 85–121, relate to municipal government, viz. sec. 12, The modern city: its meaning and the nature of its problem., sec. 13, The origin of American municipalities; sec. 14, The municipal program of the National Municipal League; sec. 15, The movement for municipal home rule; sec. 16, Commission government and the short ballot; sec. 17, Theory of American bad government. Each section is followed by a selection of "References."

HURD, D. F., compiler. The railroad and industrial map of Cleveland. $2\frac{1}{2}$ in. =1 mile. 36x50 in. **Np.**

Mr. Hurd is traffic commissioner of the Cleveland Chamber of Commerce. The map is published by The Traffic World, 418 South Market Street, Chicago, Ill. Price, $1.50 on paper, and $2.50 linen backed.

A similar map for Chicago is noted above under Chicago Association of Commerce.

LOS ANGELES CELEBRATION COMMISSION. Commemorative of the official opening (of) The Los Angeles Aqueduct and Exposition Park. November 5–6, 1913. 15 leaves, illus. 8°. **Np.**

LYONS, FRANCE. Lyons international urban exhibition and French colonies exhibition, May 1–November 1, 1914. Lyon, 1913. 24 p. illus. 4°. **Np.**

Address: Bureau of Administration, Hotel de Ville, Lyon, France.

MILWAUKEE, WIS. Bureau of municipal research. Standardization of salaries of the city of Milwaukee. November 4, 1913. 96 p., 11 folding tables. 8°. **Np.**

NAPLES, ITALY. Haec est illa Neapolis. . . . . A cura del comune di Napoli. 1913, vii, 94 p., 1 leaf. illus. 8°. **Np.**

A popular exposition of the antiquities, arts, artists, notabilities, etc. of Naples. Attractively illustrated. The volume is distributed by the sindaco of the city.

NATIONAL SHORT BALLOT ORGANIZATION. The story of the short ballot cities. An explanation of the success of the commission form of government. 1913. 19 p. 8°. **Np; Sp.**

Address: National short ballot organization, 383 Fourth Avenue, New York City. Copies will be sent on request. Contains a list of short ballot cities corrected to October 10, 1913.

—— The city manager plan of municipal government. 1913. 35 p. 4°. **Cm; Cs; Np; Sp.**

Price 25 cents the copy.

New York City. Bureau of municipal research. A report on a preliminary survey of certain departments of the city of Milwaukee. 1913. 135 p. illus., 1 folding chart. 8°. **Np.**

Published by the Milwaukee Citizens' Bureau of Municipal Efficiency, Walter Stern, secretary.

—— —— The City of Pittsburgh, Pennsylvania. Report of survey. June–July, 1913. v.p. 8°. **Np.**

The volume is made up of several special reports, as follows: Report on a survey of the department of public health, 62 p. Report on a survey of the department of city controller, 39 p. Report on a survey of the city council, department of public works, department of supplies, department of collector of delinquent taxes, civil service commission, 69 p. Report on a survey of the department of public safety, bureau of police, bureau of fire, municipal explosives board, inspector of employment agencies, ordnance office and division of weights and measures, 159 p.

—— Commissioners of accounts. Three and one-half years in the office of the commissioners of accounts, New York City. 1913. 34 p., 5 leaves. 8°. **Cc; Cm; Np.**

Ontario, Canada. Bureau of industries. Municipal bulletin. No. 7. October 1913. 32 p. 8°. **Np.**

Issued once a year in the late summer or early autumn. No. 7 presents in a concise form the population of all municipalities grouped into counties and districts, for 1913, and the assessed values, taxation, debenture debts and sinking funds for 1912. The earlier issues contain the same material for preceding years. This bulletin is a preliminary statement being subject to revision before it appears in final form as part III of the annual report of the bureau.

—— Publicity and industrial bureau. Ottawa, Canada. Industrial advantages —a beautiful residential city. 1913. 48 p., illus. 1 map. 8°. **Np.**

—— —— Map showing the water powers, minerals and transportation facilities within a radius of 60 miles of Ottawa. · Scale: 5 m. = $1\frac{1}{20}$ in. 21x27 in. **Np.**

Philadelphia, Pa. Business methods in municipal works. An informal record of the operations of the department of public works, of the city of Philadelphia under the administration of Mayor Blankenburg. 1913. 64 p. 8°. **Np; Sp.**

—— Department of public works. The political assessment of office holders. A report on the system as practiced by the republican organization in the city of Philadelphia 1883–1913. 84 p. 8°. **Np.**

On the title page is printed the legend: "This pamphlet is not published at public expense."

St. Louis, Mo. (Manual of the) council of the city of St. Louis, 1913–1914. 8 leaves. 16°. **Np; Sp.**

Shaw, Albert. Knowledge in the guidance of communities. Commencement address, June 14, 1913, University of Cincinnati. (University of Cincinnati Record, ser. 1, v. 9, no. 9, p. 23–37.) **Np.**

Sumter, S. C. Chamber of Commerce. The Sumter "city manager" plan of municipal government. 1913. 12 p. **Cm.**

Thompson, Carl D. A municipal program. 1913. 4 p. **Cm; Cs.**

Issued by the National Office of the Socialist Party, 205 West Washington Street, Chicago, Ill.

Toledo, O. Manual of the council and the municipal government of the city of Toledo, Ohio. 1913. **Sp.**

Wisconsin Woman's Suffrage Association. Social forces; a topical outline with bibliography. 1913. 83 p. 8°. **Cp; Cs; Np.**

Voter's League, Pittsburgh, Pa. Bulletin concerning candidates for Mayor and Council to be elected on a non-partisan ballot at the regular election, Tuesday, November 4, 1913. Issued by authority of the executive committee, October 25, 1913. 4 p. 4°. **Cc.**

### Accounting

Collins, Arthur. A municipal internal audit. ed. 2. London, 1913. 3 p. l., 169 p. 8°. **Np.**

This handbook presents a full description of an audit of the departmental receipts of a municipality,

for the use of accountants generally, and is specially designed to assist students in their preparation for the examinations of the Institute of Municipal Treasurers and Accountants (incorporated), for whose examinations it is officially recommended as a text book. The methods advocated are based on systems in operation in the leading municipalities in the Kingdom. Mr. Collins is deputy treasurer of Birmingham, England. The price of the book is 4 shillings.

NEW YORK CITY. Municipal reference library. Bulletin, September, 1913. List of books on accounting and budget making in the library. **Np.**

### Art Commissions

NEW YORK CITY. Annual report of the art commission for the year 1912 containing the proceedings of the first national conference of art commissions. 1913. 68 p. 4°. **Cm; Cs; Np.**

At the time of the conference there were ten municipal art commissions in existence in the United States, viz., Baltimore, Boston, Denver, District of Columbia, Los Angeles, Milwaukee, Mount Vernon, N. Y., New Haven, Philadelphia and Pittsburgh.

Eight of these commissions were represented at the conference, and, in addition, there were representatives present of the Federal Art Commission, the Massachusetts State Art Commission, the Connecticut Commission on Capitol Sculpture and the St. Louis Civic League's Committee on Sculpture. Reference may, not inopportunely, be made here to the recently organized Art Commission of Salt Lake City.

### Budget

CLEVELAND, O. Department of finance. Budget request for 1914. 5 p. **Cm.**

—— Standard code classification of expenditures, January 1, 1914. 40 p. **Cm.**

LOS ANGELES, CALIF. Resolutions and ordinances adopting the budget for the fiscal year ending June 30, 1914. Typewritten. **Np.**

Resolution no. 1. Making and establishing a budget of the estimated amount of money required to pay expenses of conducting the business of the city government. 3 folios.

Resolution no. 2. Providing for appropriation and apportionment of certain public moneys. 6 folios.

Resolution no. 3. Making and establishing a budget of the estimated amount of money required for the payment of the principal and interest of sinking funds and bonded indebtedness. 3 folios.

Ordinance no. 28, 174, n.s. Fixing the tax levy for municipal purposes. 7 folios.

The budget of Los Angeles is not printed. Mr. J. H. Fountain, clerk of the budget committee, under date of September 10, 1913, writes: "In another year I am in hopes to have the budget printed both before and after adoption."

NEW YORK CITY. Committee on budgetary publicity of the board of estimate and apportionment. Budget news bulletin. 1913 no. 1–6. 8°. **Np.**

These budget news bulletins are issued as soon as departmental estimates can be examined and tabulations made therefrom. More complete estimates are printed in the City Record.

NORFOLK, VA. Budget for 1913–14. 12 p. f°. **Cp; Np.**

—— Report of the finance committee transmitting the budget ordinances for the fiscal year ending June 30, 1914. 10 p. 8°. **Cp; Np.**

An ordinance making appropriations for the fiscal year beginning July 1, 1913. 9 p. 8°.

An ordinance imposing taxes on property, persons and licenses for the payment of interest on the city debt and to meet the general appropriations for the year beginning July 1, 1913. 55 p. 8°.

PHILADELPHIA, PA. Budget statement of the city controller for 1914. October 1, 1913. 41 p. 4°. **Np.**

### Building Construction

CLEVELAND, O. Ordinance no. 29798 to amend and supplement section 196 of the revised ordinances of 1907, covering the heating and ventilating section of the building code. Approved July 19, 1913. As amended by ordinance no. 30702 approved October 14, 1913. 29 p. 12°. **Np.**

COLOGNE, GERMANY. Bauordnung für den Stadtkreis Cöln. 1913. 91 p. 8°. **Cm.**

NEW YORK CITY. Committee on buildings of the board of aldermen. Proposed building code for the city of New York 1913. 74 p. 8°. **Np.**

The Herbst code. It did not become a law.

SYRACUSE, N. Y. The building code of the City of Syracuse, as amended to January 1, 1913, with excerpts from the

general laws and separate statutes of the state, etc. 202 p. 8°. **Cm; Np.**

### Charters and Ordinances

Ordinances on special subjects, as for instance, building ordinances are entered under the respective subjects.

BERLIN, GERMANY. Berliner Gemeinderecht. ed. 2. v. 3, Schulverwaltung. Abteilung 1. Volksschulen, Taubstummen- und Blindenschule. 1913. vii, 225 p. 8°.

—— Same. v. 10. Gaswerke und Elektrizitätsangelegenheiten. 1913. viii, 282 p. 8°.

Price, $1 the volume. No other volumes of edition 2 have been issued.

CEDAR RAPIDS, IA. Ordinances. The municipal code of Cedar Rapids, Iowa, 1913. 416. **Cm.**

DULUTH, MINN. Charter and housing code of the City of Duluth. Approved May 21, 1913. 71 p. 8°. **Np.**

Referred to in Housing Betterment v. 2, no. 2, p. 13, as follows: "Duluth became one of the leaders among American cities by the enactment of a housing code similar to that of Columbus, Ohio."

MINNEAPOLIS, MINN. The charter of the city of Minneapolis. Prepared and proposed by the board of freeholders. 1913. 118 p. 8°. **Np.**

TACOMA, WASH. Charter and general ordinances of the city of Tacoma in force, June 1, 1913, with index digest of obsolete and repealed ordinances since the revision of 1905. 1913. 579 p. 8°. **Cm; Cs.**

WORCESTER, MASS. Official Worcester building ordinances, also plumbing, sewer, water and supervision of wires ordinances relating to building in the city of Worcester, Mass. Massachusetts laws relating to elevator, fire escapes, fire protection and construction of buildings. Scale of architects' charges. Compiled under the supervision of inspectors and commissioners 1913–14 by A. W. Harris. Providence, 1913. 179 p. illus. 8°.

Includes advertising matter. Sold at $2 the copy.

### City Planning

BALTIMORE, MD. Mayor. Mayor Preston's borough plan for a bigger Baltimore. October, 1913. (Municipal Journal. Baltimore, v. 1, no. 20, p. 1–5.) **Np.**

A plan of the proposed borough system appears on p. 7.

BURGESS, JOHN W. Address made on the invitation and at the request of the Newport Improvement Association. September 5, 1913. 24 p. 8°. **Np.**

On municipal government in general and as it has been fashioned and is fashioning itself in Newport in particular.

CLEVELAND, O. Manufacturers' Appraisal Company. Report on proposed Carnegie Avenue extensions, Cleveland, O. 35 p. 8°. **Np.**

Address: Manufacturers' Appraisal Company, Commercial Bank Building, Cleveland, Ohio.

FORD, GEORGE B., and E. P. GOODRICH. Report of suggested plan of procedure for the village of Dobbs Ferry, New York. August 26, 1913. New York, 1913. 68 folios, 1 plan. 4°.

Typewritten copy only seen. Prepared for a citizens' committee of Dobbs Ferry, N. Y.

NEW YORK CITY. Down town Brooklyn. A report to the comptroller of the city of New York on sites for public buildings and the relocation of the elevated railroad tracks now in lower Fulton street, Borough of Brooklyn. Brooklyn, 1913. 40 p. illus. 8°. **Cp; Np.**

NEW YORK PUBLIC LIBRARY. Select list of works relating to city planning and allied topics. November, 1913. 35 p. 8°. **Np.**

Prepared on the occasion of the city planning exhibition held in the New York Public Library under the auspices of the board of estimate and apportionment of the city.

—— Advisory commission to the committee of the board of estimate and apportionment on the height, size and arrangement of buildings. Report.

The report is not yet published, but in all probability it will be before the next issue of this Bibliography. By special courtesy the compiler is

enabled to offer an approximate description of the volume. There are to be five chapters, viz: I, Introduction; II, Methods of control (uniform regulations for all buildings, regulations varying with the class of buildings), do. with the particular district, general scope of constitutional regulation, regulations based on width of street, do. on maintenance of a minimum angle of light; III, High buildings; IV, Districting—American cities (Boston, Baltimore, Indianapolis and Washington), residential and industrial districts in American cities—Baltimore, Los Angeles, Wisconsin, Minnesota, New York, Massachusetts, Seattle, districting in German cities; V, Conclusions.

A series of special reports will make up the appendices, viz: Districting in German cities, by F. B. Williams. English and Swedish town planning acts, by H. S. Swan. Regulations in Boston, Washington, Los Angeles, London and Paris, by H. S. Swan. Present regulations relative to height, size and arrangement of buildings in New York City, by H. S. Swan. Charts.

Olmsted, Frederick Law. Proposed improvements for Newport. A report prepared for the Newport Improvement Association. 1913. 54 p. illus. 4°. **Np.**

Suburban Planning Association. The art of choosing your neighbor; does it interest you? Philadelphia, 1913. 5 p. illus. **Cp; Np.**

Städteausstellung zu Düsseldorf, 1912. Sonder-Katalog, für die Gruppe Städtebau. Düsseldorf, 1913. 139 p. illus. 8°. **Np.**

### Civic Associations

City Club of Baltimore. Handbook of the City Club of Baltimore. October 1, 1913. **Sp.**

Chicago Association of Commerce. Chicago Commerce. Weekly. Vol. 9, no. 9–30. July 3–Nov. 28, 1913. v. p. 4°. **Cm; Cp; Np.**

Published at 10 South La Salle Street; sold at $1 per year. Full of local civic news. Among the more important general articles are the following: Chicago's superb playground system and its service in the making of citizenship (illus)., September 5, p. 17–23. Speeches at the public hearing on the public safety, i.e., traffic problem (illus.), September 12, p. 7–18. Report on taxicab rates as studied by the local Committee of the Association, November 21, p. 19–20.

City Club of Berkeley; Berkeley, Calif. Berkeley Civic Bulletin. Monthly Vol. 2, no. 1–4. August–November, 1914. 8°. **Cm; Np.**

No. 1. August. Coöperative industrial education. 16 p.

No. 2. September. Municipal efficiency. p. 17–32.

No. 3. October. Proposed acquisition of the Oakland and San Francisco Terminal railways by a metropolitan public utilities district. p. 33–48.

No. 4. Physical condition of the Berkeley school, p. 49–64.

City Club of Chicago. Bulletin. Vol. 6, no. 11–14. July–November. 8°. **Cc; Cm; Cp; Cs; Np.**

No. 11. July 23. p. 215–238. Pages 215–220, The railway terminal problem in Chicago. Pages 221–228, The nature of money. Address by A. M. Inness. Pages 229–238, The noise problem in Chicago. Address by Dr. W. O. Nance.

No. 12. September 8. p. 239–265. Pages 239–250, The Illinois public utilities bill. Discussion by Senator J. Dailey and Prof. E. W. Bemis. Pages 250–265, Modern improvements in street lighting: lighting of the national capitol, by W. C. Allen. Street lighting in Chicago, by R. Palmer. Gas street lighting in modern cities, by F. V. Westermaier.

No. 13. November 12. p. 267–289. Pages 267–276, Public safety (i.e., violence and traffic); discussion. Pages 276–282, Fire prevention; discussion. Pages 282–287, Dangers and defects in workings of American democracy, by F. Adler. Pages 287–289, Historical pageants in America; by W. C. Langbon.

No. 14. November 29. p. 291–306. Pages 291–298, Administration of the U. S. immigration laws; by L. F. Post. Pages 298–306, Should the Chicago aldermanic elections next spring be non-partisan? discussion.

City Club of New York. Bulletin Monthly. July–December. 4 pages each number. 4°. **Np.**

Civic Club of Philadelphia. Nineteenth annual report, 1913. 128 p. 8°.

More than an annual report. It might well serve as a text-book on municipal betterment. Splendid proof of an organization living up to its motto: "Higher public spirit. Better social order."

Commonwealth Club of California. Transactions, vol. 8, no. 8–9. September 1913. p. 431–521. 8°. **Cp; Np.**

No. 8. Land transfers. p. 431–475.

No. 9. Smoke problems in California. p. 477–521. illus.

Municipal Government Association of New York State. Home Rule Ad-

vocate. Vol. 1, No. 3. October, 1913. 8 p. 8°. **Np.**

Canvass of prospective law-makers on three proposals, viz., optional city charter law, constitutional amendments permitting cities to frame and adopt their own charters, and a non-partisan municipal elections act.

Municipal League of Los Angeles. Efficiency in Los Angeles city government. 1913. 11 p. 8°. **Cs.**

Tax Association of Alameda County, Calif. Bulletin: Monthly. No. 8. October, 1913. 8°. **Cm; Np.**

No. 8. Where does your money go? 4 p. Table 1 showing approximate distribution of each $100 collected in taxes or other revenue by the city of Eakland, and a chart of comparative tax rates, 1880–1913.

—— Reports. No. 10. October, 1913. In 2 parts viz., A and B. 8°.

*A*. Analysis of costs and possible savings in elections of 1910 in Alameda County. October, 1913. 19 p. 8°. A similar report on the elections of 1912 is announced. **Cc; Cm; Cp; Cs; Np; Sp.**

B. Analysis of costs and possible savings in elections of 1912 in Alameda County. October, 1913. 23 p. 8°. **Cc; Cm; Cp; Cs; Np; Sp.**

Woman's City Club of Chicago. Bulletin. Vol. 2, No. 1–3. November 1, 1913. 8°. **Cc; Cm; Cp; Cs.**

No. 1. The larger housekeeping. 4 p.
No. 2. Not seen.
No. 3. A suggested solution of the garbage problem. 4 p.

### Civil Service

Cook County, Ill. Civil Service laws and rules. Chicago, 1913. 51 p. **Cc.**

### Courts

Kansas City, Mo. First Annual report of division No. 2 of the municipal court of Kansas city. 1912–13. 1913. 34 p. illus. 8°. **Np.**

The set of rules promulgated by this court, and which are an innovation in police court practice, are made a part of the report.

### Electoral Reform

Hoag, C. G. Effective voting. An explantion of the ballot reforms usually known as "preferential voting" and "proportional representation." July, 1913. 21 p. **Np.**

U. S. 63d congress, first session, senate document 142.

Tax Association of Alameda County, Calif. Report No. 10. October, 1913. A. Anaylsis of costs and possible savings in elections of 1910 in Alameda Co. 19 p. B. Analysis of costs and possible savings in elections of 1912 in Alameda Co. 23 p. 8°. **Cc; Cm; Cp; Cs; Np; Sp.**

### Explosives

New York City. Municipal Explosives Commission. (Report submitting proposed regulations to the committee on Laws and Legislation of the Board of Aldermen to further greater security to lives and property.) (New York City. City Record, November 13, 1913, p. 10422, 10424, 10477–10478.) **Np.**

### Finance

Cleveland, O. First general ledger report of the city auditor. January 1, 1913. 89 p. 4°. **Cc; Cm; Mp.**

Seattle, Wash. Memorandum financial statement of the city. August 1, 1913. 2 leaves. 4°. **Np.**

Published by the comptroller.

### Garbage Disposal

Woman's City Club of Chicago. A suggested solution of the garbage problem. 4 p. 8°. (Bulletin Vol. 2, no. 3, November 1, 1913.) **Cc; Cm; Cp; Cs.**

### Grade Crossings

Philadelphia, Pa. South Philadelphia. The abolishment of grade crossings and the creation of opportunities for commercial and industrial development. Department of public works, Philadelphia, 1913. 72 p. illus., 1 map. 8°. **Np; Sp.**

### Housing

Amsterdam, Netherlands. Conseil des Habitations à Amsterdam. L'amélioration du logement à Amsterdam.

1913. 135 p. illus., 4 folding plans 12°. **Cm; Np.**

Address: Bureau van Statistiek, Amsterdam. Price, fl. 0, 50.

CAMBRIDGE, MASS. Housing Association. First report. Housing conditions in Cambridge. 1913. 30 p., 1 leaf. illus. 8°. **Cp; Cs; Np.**

DISTRICT OF COLUMBIA. Letter from the president of the board of commissioners of the District of Columbia transmitting a statement of the names, residences, and occupations of persons owning and renting houses or rooms within the so-called "inhabited alleys" of the District. July, 1913. 42 p. 8°. **Np.**

U. S., 63d cong., first session, senate document 120.

DÜSSELDORF, GERMANY. Die Kleinwohnungen der Stadt Düsseldorf an der Essenerstrasse. Erbaut August 1912–13. 19 p. 10 plates, 4 p., 4 folded plates. 8°. **Np.**

GREAT BRITAIN. Local Government board. Forty-second annual report 1912–13. Part 2. Housing and Town-Planning. lxxii, 67 p. 8°. **Np.**

Price 7d. This is the first issue, in separate form, of the local government board's report on the administration of the housing of the working classes and town planning acts. The report records, with considerable detail, the administration of the Housing Acts 1890 to 1909 and of part 2 of the housing and town planning, etc. Act of 1909, for the year ending March 31, 1913. There is probably no better practical source of information as to the actual carrying out of the respective acts referred to.

—— Census of England and Wales. 1911. Vol. 8. Tenements in administrative counties and urban and rural districts. 1913. xxiv, 667 p. f°. **Np.**

Price 5s. 6d. Address: Census office, Millbank, London, S. W.

MASSACHUSETTS. Homestead commission. First city and town planning conference. Called by Governor Foss at the suggestion of the homestead commission, Boston Chamber of Commerce coöperating as host. 1913. 4 p. folder. **Np.**

The conference was held in the State House, November 18 and 19, 1913.

NEWBURGH, N. Y. Housing investigation, Newburgh, N. Y. April 1913. 4 leaves. illus. 8°. **Cm; Cp; Cs; Np.**

Made by Newburgh Associated Charities for the social survey conducted by the Russell Sage Foundation. Amy Woods, Investigator.

VEILLER, LAWRENCE. Room-overcrowding in the United States September 1913. 23 p. 8°. **Cc; Cs; Np.**

National Housing Association Publications, no. 23. Printed for the tenth International Housing Congress at the Hague, Holland, September, 1913.

VIVIAN, HENRY. Copartnership in housing. A paper read before the British Constitution Association at the Hempstead Garden Suburb, October 29, 1913. London, 1913. 12 p. 8°. **Cc.**

### Insurance

AIX-LA-CHAPELLE, GERMANY. Ordinances. Satzung der allgemeinen Ortskrankenkasse für den Stadtkreis Aachen in Aachen. 1913. 47 p. 8°. **Cm; Np.**

### Libraries

WISCONSIN. Free library commission. New types of small library buildings. August, 1913. 88 p. illus. 4°. **Np.**

### Liquor Traffic

DISTRICT OF COLUMBIA. Excise liquor law . . . . and rules and regulations adopted by the excise board. 1913. 20 p. **Cm.**

### Markets

CHICAGO, ILL. Woman's City Club. Food and Markets Committee. Reduce the cost of living; form a group in your own neighborhood and buy by wholesale. 1913. 6 p. 8°. **Cm; Cs.**

—— —— Notice to city housewives. 1913. 1 p. 8°. **Cm; Cs.**

KOELSCH, C. A. Modern methods of food distribution; address by Carl A. Koelsch, president Washington Market Merchants Association (New York City), member advisory committee mayor's

market commission before mayor's market commission. 1913. 8 p. **Cm.**

MILLER, C. C. What the city can do to reduce the cost of living; an address delivered at Binghamton, N. Y., on June 6, 1913, before the conference of mayors and other city officials of the state of New York, by Hon. Cyrus C. Miller, president of the borough of the Bronx and chairman of the mayor's market commission of the city of New York. 1913. 15 p. **Cm.**

### Motion Pictures

KANSAS CITY, MO. An ordinance (no. 15883) prohibiting the exhibition of obscene or immoral pictures and regulating the exhibition of moving pictures. Approved June 6, 1913. obl. folio slip. **Np; Sp.**

NATIONAL BOARD OF CENSORSHIP OF MOTION PICTURES. The standards of the board. 1913. 23 p. 8°. **Np.**

—— Report of the board. 1913. 17 p. 8°. **Np.**

—— Standards of judgment of the board. 1913. 4 leaves. 8°. **Np.**

Address: 50 Madison Avenue, New York City.

This board was organized in March, 1909, by the People's Institute of New York City, at the request of the theatres exhibiting motion pictures in New York. The scope of the work became national in June, 1909, at the request of the manufacturers of motion picture films.

ST. LOUIS, MO. Text of proposed motion picture censorship ordinance, together with digest of censorship regulations in various cities prepared by A. L. Bostwick, municipal reference librarian, St. Louis Public Library. 1913. **Sp.**

A limited number of copies available for distribution by the municipal reference librarian, 206 City Hall.

### Municipal Ownership

COX, THOMAS. Report on the municipal auditorium of the City of Oakland. Cal., made for the Tax Association of Alameda County at the request of the Progress and Prosperity Committee of the Oakland Chamber of Commerce. October, 1913. 15 p. 8°. **Cc; Cm; Cp; Ss; Np.**

Published as the Tax Association's Report, no. 11.

ST. PAUL, MINN. Report of subcommittee appointed on April 17, 1913, to obtain information relative to cost of harvesting, storing and distributing ice. July 2, 1913. 8 folios. **Cm; Np.**

The report is made to Mayor Keller and is signed by the commissioner of public works and the general superintendent, water department.

Typewritten.

### Municipal Reference Libraries

CHICAGO, ILL. Municipal reference library anti-noise ordinances of various cities, compiled for the committee on health of the Chicago city council. 1913. 43 p. **Cm.**

Typewritten. The Chicago Municipal Reference Library is a branch of the Chicago Public Library, and occupies Room 1005, in the City Hall.

—— Rates of fare of public motor vehicles in fifteen large cities. 1914. 6 p. **Cc; Cm; Sp.**

—— Statistics showing total number of deaths from automobile accidents in cities having a population of 100,000 or over in 1910; for years 1907–1912 with percentage in increase in total for years 1912 over 1907. 1913. 1 p. **Cm.**

Typewritten.

—— Annual cost of communication in the city of Chicago. 1913. 1 p. **Cm.**

MILWAUKEE, WIS. Municipal Reference Library. Schedule of salaries, hours, vacations and cost of uniforms of patrolmen in various cities. 1913. 10 p. **Cm.**

Typewritten.

NEW YORK CITY. Municipal Reference Library. Bulletins. 1913. **Cp; Np.**

August. Magazines and newspapers on file.

September. List of books on accounting and budget making in the Library.

October. Text-books and other material on water supply and water works.

ST. LOUIS, MO. Municipal reference library. Excess condemnation. Laws of Massachusetts, Ohio, Connecticut, New York, Maryland etc. (Municipal Journal. October 2, 1913, p. 464.)

—— Regulation of offensive trades. (Ibid; September 18, 1913, p. 380.)

See also above under Motion Pictures.

UNIVERSITY of CALIFORNIA. Bureau of municipal reference. Bulletin 1. Preliminary announcement of the bureau. 1913–14. 4 leaves. 8°. **Np.**

### Municipal Research Bureaus

CINCINNATI, O. Municipal Research bureau. Schools as social centers; summary of Superintendent Condon's report to the committee on social centers of the Cincinnati board of education. 1913. 6 p. **Cm.**

—— Average in the Cincinnati elementary day schools; a preliminary analysis. August, 1913. 10 p. tables. **Cp; Cs.**

Prepared in coöperation with the Ohio state school survey commission.

DAYTON, O. Bureau of municipal research. Government by deficit. No. 1–3. October–November, 1913. 8°. **Np.**

No. 1. Why the new charter should be adopted. City deficits. [4 p.]

No. 2. Same title. City debt. [4 p.]

No. 3. Same title. Standard salaries. [4 p.]

—— Health bulletin. No. 1.–8. October–November, 1913. 12°. folders. **Cm; Np; Sp.**

No. 1. Does your city enjoy poor health?

No. 2. What the health department costs—in money, in health.

No. 3. Are you interested in the July hump? Relates to infant mortality in month of July.

No. 4. Are communicable diseases avoidable, controllable, preventable?

No. 5. Do you care what kind of food you eat?

No. 6. Why is a death rate?

No. 7. Shall it be only a program or a program plus funds? Concerning public health campaigns. Has a table showing per capita expenditures for health work by 8 American cities and Dayton.

No. 8. Where there's a will there's a way (to promote the health service).

MILWAUKEE, WIS. Bureau of municipal research. Standardization of salaries of the city. November 4, 1913. 96 p., 11 folding tables. 8°. **Np.**

NEW YORK CITY. Bureau of municipal research. Municipal research. To promote the application of scientific principles to government (weekly). August 23–November 29, 1913. No. 5–19. 8°. **Cp; Np.**

*No Matter Who is Elected Series, no. 14–25.*

No. 5. August 23. Democratic platform promises of economy and efficiency in spending city money. 5 p. (no 14.)

No. 6. August 30. Specific statements in the democratic platform about home rule and city debt. 4 p. (no. 15.)

No. 7. September 6. Public spirit in Greater New York and the City Economy League's specific platform demands. 4 p. (no. 16.)

No. 8. September 13. Eight important administrative undertakings begun by Mayor Gaynor in the summer of 1913. 5 p. (no. 17.)

No. 9. September 20. Elective city officials and New York's educational system. 8 p. (no. 18.)

No. 10. September 27. Father Knickerbocker breaking his own laws. City markets insanitary. 4 p. (no. 19.)

No. 11. October 4. Relation of the recently announced $168,000,000 increase in assessed valuation of real estate to the city budget. 1 l. (no. 20.)

No. 12. October 11. Keeping public property public. Restoring to the city miles of city beach, miles of city sidewalks, miles of city vaults. illus. 6 p. (no. 21.)

No. 13. October 18. No one should vote twice and no ineligible should vote once. 8 p. (no. 22.)

No. 14. Not seen.

No. 15. November 1. Budget reminders and remainders. 4 p. (no. 24.)

No. 16. November 8. City debt questions. 16 p. (no. 25.)

*No Matter Who Was Elected Series, no. 1–3.*

No. 17. November 15. Help your city by complaints and suggestions. 4 p. (no. 1.)

No. 18. November 22. Citizen coöperation requested in putting New York state on an efficiency and economy basis. 4 p. (no. 2.)

No. 19. November 29. Closed specifications create monopoly of city's business. 4 p. (no. 3.)

—— Efficient citizenship. To promote the application of scientific principles to government. Weekly. August 6–November 26, 1913. No. 639–655. 12°. **Cp; Np; Sp.**

No. 639. Food and fire dangers, etc. 4 p.

No. 640. In selecting a school administrator, president of university, college or normal school, state commissioner or city superintendent—shall the first question be, Who's the man? or What's the job? 4 p.

No. 641. The national government is investigating food conditions on Ellis Island. 6 p.

No. 642. Food inspection for protection. 4 p.

No. 643. A fact-using program for every board of education. 4 p.

No. 644. New school possibilities. 5 p.

No. 645. A help-the-school program for the best paper in your city. 4 p.

No. 646. City survey in Reading and Milwaukee. 4 p.

No. 647. Twelve next steps suggested to protect Ellis Island food conditions. 4 p.

No. 648. What part of the truth may the nation know about Ellis Island food? 6 p.

No. 649. Do your schools teach your city? 4 p.

No. 650. Do cities want fact-supported or unsupported judgments on school needs? 4 p.

No. 651. Would you be willing to transfer your account from your bank to your city? 4 p.

No. 652. Supremacy and fusing power of provable, recorded facts about public business. 4 p.

No. 653. Job fitness vs. political fitness. 4 p.

No. 654. 60 words do the work of 900 in new indictment for murder. 4 p.

No. 655. Teaching the home city in the public schools. 4 p.

### Negro

BALTIMORE, MD. Ordinances. Segregation ordinance. Ordinance No. 339. Approved September 25, 1913. (Baltimore Municipal Journal October 10, 1913, p. 12.) **Np; Sp.**

Measure passed by the municipal council to prevent white and colored people from living in the same blocks. A supplementary ordinance, passed November 8, is printed on p. 8 of the November 7 issue of the Journal. Ordinance no. 339 is the third negro segregation ordinance adopted in Baltimore. Introduced after the decision of the Court of Appeals which upheld the city's right to enact such a law while declaring the "West" ordinance, the second one adopted, to be defective, it is supposed to be a regulation that will stand the test of the courts. The full text of the decision referred to, written by Judge Constable, is printed in the October 24 issue of the Journal.

JUVENILE PROTECTIVE ASSOCIATION, Chicago, Ill. Colored people of Chicago. An investigation made for the Juvenile Protective Association, Chicago 1913. 30 p. 8°. **Cs; Np.**

### Noise Abatement

CHICAGO, ILL. Municipal reference library. Anti-noise ordinances of various cities compiled for the committee on health of the Chicago city council. 1913. 43 p. **Cm.**

Typewritten address, Chicago public library, 1005 City Hall.

NANCE, WILLIS O. The noise problem in Chicago. 1913. (City Club of Chicago. Bulletin July 23, 1913. p. 229–238.)

Dr. Nance is chairman of the city council committee on public health.

VIENNA, AUSTRIA. Proclamation in regard to the regulation of unnecessary noise. 1913. 2 p. **Cm.**

### Parks and Playgrounds

CHICAGO ASSOCIATION OF COMMERCE, Chicago. Commerce, September 5, p. 17–23. Chicago's superb playground system and its service in the making of citizenship. **Cm; Cp; Np.**

GREAT BRITAIN. Board of education. Educational pamphlets. No. 27. 1913. 8°.

No. 27. The playground movement in America and its relation to public education. 52 p; 1 chart. Price 4d.

### Pensions

CHICAGO, ILL. Police pension fund. n.d. 30 p. **Cm.**

DISTRICT OF COLUMBIA. Police and firemen's pension fund. Letter from the commissioners of the District transmitting information relative to the names and employment of all persons borne on the police and firemen's pension rolls of the District. 1913. 85 p. **Cp; Np; Sp.**

U. S., 63 congress, first session, Senate doc. 10.

### Police

MILWAUKEE, WIS. Municipal reference library. Schedule of salaries, hours, vacations and cost of uniforms of patrolmen in various cities. 1913. 10 p. 8°. **Cm.**

Typewritten.

NEW YORK CITY. Police department investigation committee ("Curran committee"). Stenographer's minutes of the special committee of the board of aldermen appointed to investigate the city's police department. 1912. 4821 p. 4°. **Np.**

This is the testimony referred to in the July, 1913, instalment of this Bibliography (NATIONAL MUNICIPAL REVIEW, July, 1913, p. 552). It was there stated that copies were being held at $95 the set. They can now be obtained at $30.

Osborne, John Ball. Competitive tests of police dogs. Daily consular and trade reports, October 17, 1913. P. 320. **Np.**

Mr. Osborne is United States consul for Havre, France. The tests reported are those to which dogs entered in a competition held on August 10, 1913, under the auspices of the Club Normand du Chien Pratique, at Sanvic, a suburb of Havre.

Philadelphia, Pa. Department of public safety. Patrolman's manual. 1913. 231 p. **Cp.**

### Port Development

Bremen, Germany. Statistisches Amt. Bremer Handelsgeschichte im 19. Jahrhundert. Bremer Handelsstatistik von dem Beginn der öffentlichen administrativen Statistik in der ersten Hälfte des 19. Jahrhunderts. Von Dr. Friedrich Rauers. 1913. 62, 126 p. 3 folding maps. 8°. **Np.**

With a supplement, Frachtenstatistik des Binnenverkehrs 1770–1910 und Auswandererfahrgelder.

The time is probably not far distant when the commercial history of the great American ports will engage the attention of the recording student body. In that event such scholarly work as that of Dr. Rauers might well serve as a model. Dr. Rauers confines his labors to a study of the important port of Bremen, and the title here cited is but one of many attributed to this industrious worker.

Guestier, Daniel. L'Extension du port de Bordeaux. 1913. 10 p., 1 leaf, 1 folding map. 4°. **Np.**

Paper read at the Fourth Congrès National des Travaux Publics Français, held in Paris in November, 1912. M. Guestier is President of the Bordeaux Chamber of Commerce.

Krause, Friedrich. Der Osthafen zu Berlin. Im Auftrage des magistrats herausgegeben von Friedrich Krause, Geheimer Baurat, Stadtbaurat für den Tiefbau. Berlin, 1913. 119 p., 18 half tone page plates, 28 folding drawings. f°. **Np.**

A very beautiful and very useful volume. Relates to the physical reconstruction of this port. A copy may be imported for about $6.50.

Liverpool, England. Offices of the Mersey docks and harbour board. The port of Liverpool, its rise and progress. ed. 2. 1913. 120 p., illus., 3 folding maps. 8°. **Np.**

Seattle, Wash. Port of Seattle commission. Bulletin no. 3. The port district act and other laws affecting the port of Seattle. May 1, 1913. 48p. obl. 8°. **Np.**

### Public Buildings

New York County. Court house board. Competition for the New York Court House. 1913. Edited by authority of the court house board. vi p. 88 plates. f°. **Np.**

Published by Architectural Book Publishing Company, 31 E. Twelfth street, New York City. Price, $18.

### Public Health

Chicago, Ill. Ordinances. Supplement to sanitary code, City of Chicago, 1911, containing ordinances and amendments thereto, passed during the period January, 1912, to August 29, 1913. 1913. 2 pts. **Cm.**

Denver, Col. Department of health. Manual of the department of health. September 1, 1913. 93 p. **Cm.**

Lawrence, Mass. First annual report of the director of the department of public health and charities for the year ending December 31, 1912. 375 p. 8°. **Np.**

The first report under the charter of June 30, 1911, comprising the thirty fifth annual report of the board of health and the first report of the department of charities. The director of the new department is Robert S. Maloney and the record of accomplishment submitted by him is most impressive. The constructive activities of the department cover housing, school nursing, medical inspection of schools, milk inspection, a municipal hospital, an annual clean up week, a municipal grocery store, etc.

New York City. Department of health. The contagious disease hospitals of New York City. By Robert J. Wilson. September, 1913. (Monthly Bulletin, v. 3, no. 9, p. 187–206. Reprint series. No. 9.) **Np.**

Historical outline.

—— —— Reprint series. No. 6–10. May–October, 1913. v. p. 8°. **Np.**

No. 6. See under Social Evil.

No. 7. H. M. Biggs. The municipal sanatorium at Otisville. June, 1913. 23 p.

No. 8. H. M. Biggs and C. F. Bolduan. The tuberculosis campaign; its influence on the methods of public health generally. August, 1913. 12 p.

No. 9. See preceding entry.

No. 10. E. J. Lederle. The function of municipal authorities in the control and management of food supplies. October, 1913. p. 1006–1016. Read before the American Public Health Association, September 9, 1913.

### Public Utilities

Arnold, Bion J. Report on the rearrangement and development of the steam railroad terminals of the city of Chicago. Submitted to the Citizens' Terminal Plan Committee, November 18, 1913. Chicago, 1913. 237 p. 8 pls. 8°. **Cc.**

—— Report on the value of the properties of the Metropolitan Street Railway System of Kansas City, Mo. Vol. 1. 1913. 226 p. 8°. **Cm.**

Ash, L. R. and P. J. Kealy. Report on the future earnings and expenditures of the Kansas City Railway Company and their application to the proposed franchise ordinance. September, 1913. 12 p. folding tables. 8°. **Cm.**

Published by the Arnold Company, 105 S. La Salle Street, Chicago.

Chicago, Ill. Committee on local transportation. Unified operation of surface lines. 1913. 2 p. 8°. **Cm; Cp.**

—— —— Communication of His Honor Mayor Harrison to the city council of the city of Chicago recommending submission of questions of alternative construction of subways to a referendum vote, June 30, 1913, and drafts of ordinances transmitted therewith. Ordinance for downtown subways to be leased to elevated railroads. Ordinance for a comprehensive independent system of rapid transit subways. Chicago, July 15, 1913. 39 p. 12°. **Cc.**

—— An ordinance authorizing unified operation of the surface street railways in the city of Chicago, and the operating agreement made a part of said ordinance; recommended for passage by the committee on local transportation, October 27, 1913. Report of sub-committee on unification of surface lines. Opinion of corporation counsel with reference to above-mentioned ordinance and other questions. 1913. 38 p. 12°. **Cc.**

—— An ordinance in relation to the construction, equipment, maintenance and operation of a comprehensive system of subways for passenger transportation in the city of Chicago. 1913. 31 p. 8°. **Cp.**

—— An ordinance fixing the maximum rates for telephone service. . . . . A statement prepared by Prof. Edward W. Bemis on telephone rates: An ordinance creating a Telephone Bureau. . . . . An ordinance amending the Chicago telephone ordinance of November 6, 1907, relative to nickel prepayment telephone service. . . . . 1913. 47 p. **Cm.**

City Club of Berkeley. Berkeley Civic Bulletin. Vol. 2, no. 3. October, 1913. The proposed acquisition of the Oakland and San Francisco Terminal Railways by a metropolitan public utilities district. p. 33–48. 8°. **Np.**

City Club of Chicago. The railway terminal problem of Chicago; a series of addresses before the City Club, June 3 to 10, 1913, dealing with the proposed reorganization of the railway terminals of Chicago. 1913. ix, 98 p., illus., folding plates. 8°. **Cc; Cj; Cm; Cp; Cs; Np.**

Commonwealth Edison Company, Chicago. Letter in behalf of the Commonwealth Edison Company to the committee on gas, oil and electric light of the City of Chicago concerning the report . . . . on the company's rates for supplying electricity. August 1913. 115 p. **Cm.**

Des Moines, Iowa. Draft of ordinance proposed by the city of Des Moines granting a franchise to the Des Moines City Railway Company fixing the terms and conditions of such grant, fixing rates of fare, regulating transfers and providing for rehabilitation. 1913. 40 p. 8°. **Cm.**

Kansas City, Mo. An ordinance authorizing and requiring the Kansas City

Railways Company to acquire certain existing street railway lines and property. 1913. 47 (1) p., 1 leaf. 8°. **Cm; Np.**

Submitted to a referendum vote of the people on 16th December, 1913.

National Municipal League. Report of the committee on franchises of the League. Submitted at the Conference for Good City Government held at Toronto, November 1913. 11 p. 8°. **Cm; Np.**

Municipal home rule in its relation to the control of public utilities; control and financing of extensions; duration of franchises; amortization of the investment out of earnings.

New York City. Board of estimate and apportionment. Bureau of franchises. Reports no. 123–125. 4°.

No. 123. Report upon the application of Manhattan Fire Alarm Co. for franchise to construct conductors in the streets of the entire city. October 25, 1913. 31 p. **Np.**

No. 124. Report upon application of Manhattan Bridge Three Cent line for an amendment to contract of 1912. October 27, 1913. 7 p; 1 chart. **Cm; Np.**

No. 125. Report upon investigation of motor bus operation in London and Paris made in July, 1913. November 15, 1913. 45 p. **Np.**

St. Louis, Mo. Public service commission. Report to the municipal assembly on the Southwestern Telegraph and Telephone Company (Missouri) formerly the Bell Telephone Company of Missouri. By James E. Allison, chief engineer. St. Louis, 1913. iv, 152 p. 8°. **Cj; Np.**

Springfield, O. Street railway franchise of the American Railways Company with the city of Springfield, O. Ordinance no. 1653. Approved April 2, 1913. 32 p. 12°. **Np.**

Tacoma, Wash. Ordinances. Franchise ordinances of the city of Tacoma, Washington, in force June 1, 1913. 396 p. 8°. **Cm.**

Wacker, Charles H. A statement by C. H. Wacker, chairman of the Chicago plan commission, in rebuttal of the statement made by the Union Station Company, through its attorney, to the council committee on railway terminals on June 9, 1913, submitted June 30. 29 p. 8°. **Cp.**

Wallace, John F. Report to the committee on railway terminals of the City Council of Chicago. October 20, 1913. 36 p. 4°. **Cc; Cm; Cp; Cs.**

## Schools

Berlin, Germany. Die ersten fünf Jahre der Berliner Schulspeisung. Bericht im auftrage der Magistratskommission für die Schulspeisung erstattet von Stadtschulrat Dr. Fischer. 1913. 75 p. 8°. **Np.**

Boston, Mass. School committee. Report of the committee on instruction by means of pictures. 1913. 116 p. 8°. **Np.**

School document No. 6, 1913.

Buffalo, N. Y. Medical school inspection in Buffalo. Brief synopsis of work with illustrations of a few of the methods employed. 1913. 2 leaves. 20 plates. obl. 12°. **Np.**

Presented by the department of health to the Fourth International Congress on School Hygiene, held in Buffalo, August 25–30, 1913.

Cincinnati, O. How the University serves the city; some facts from the exhibit of the University of Cincinnati, municipal exhibit of the city of Cincinnati, October 1 to 15, 1913. 31 p. **Cm.**

City Club of Berkeley. Berkeley Civic Bulletin. Vol. 2, no. 4. November, 1913. The physical condition of the Berkeley schools. p. 49–64. 8°. **Np.**

Great Britain. Board of Education. Subject lists of books and papers in the board of education library. No. 1-2. 1913. 12°.

No. 1. School hygiene and physical education. XV, 251 p. Price 2s. 6d.

No. 2. Educational buildings and equipment. xv, 98 p. Price 1s.

These two lists are the first of a series which the Board of Education is preparing for publication. The library of the board is very extensive and was recently, upon its transfer from St. Stephen's House reclassified upon a modern basis. As far as possible the proposed lists will correspond to the classification scheme, although, to make each list as complete as possible, entries may be found in more than one list.

Entries include articles in encyclopedias, periodicals and even chapters in books, so that, in the case of the two first lists the contents fairly represent all the material in the Library at the close of the year 1912 on the respective subjects. These lists, together with those being issued by the United States bureau of education will, it would seem, be a tolerably complete survey of educational literature. The classification of list no. 1 is given here to show the usefulness of these lists as tools, viz., (*a*) school hygiene (medical inspection and treatment, anthropometry, school sanitation, sickness and the school, fatigue); (*b*) instruction in hygiene (hygiene and temperance, care of infants, texbooks); (*c*) physical education (systems of physical exercises, play, dancing, organized games, gymnastics, military drill and cadet corps); (*d*) open air schools (open air schools, vacation schools, holiday colonies); (*e*) school journeys; (*f*) feeding of children (school lunches, feeding of necessitous children).

Ohio State School Survey Commission and Cincinnati Bureau of Municipal Research. Over-age in the Cincinnati elementary day schools; a preliminary analysis. August, 1913. 10 p. tables. **Cp; Cs.**

Schereschewsky, J. W. School hygiene; report of the meeting of the Fourth International Congress on School Hygiene, Buffalo, N. Y., August 25–30, 1913. 1913. p. 2031–2035. 8°. (U. S. Public Health Service. Public health reports. Reprint no 144.) **Cp; Np.**

—— Medical inspection of schools; a lecture delivered at the summer school of the South University of Tennessee, Knoxville, Tenn. 1913. p. 1791–1805. 8°. (U. S. Public Health Service. Public health reports. Reprint no. 142.) **Cp; Np.**

### Sewage Disposal

"Cold-Tower System" of Sewage Disposal. Preliminary report on the "cold-tower system" of sewage disposal, translated from the French, by E. B. Stuart, general agent, 36 South Ashland Boulevard, Chicago. 1913. 4 p. **Cm.**

Typewritten.

Fisher, Edwin A. Report on the sewage disposal system of Rochester, N. Y. April, 1913. 248 p., 35 page plates, 14 folding plates. 8°. **Cm; Cp; Np.**

Mr. Fisher is city engineer of Rochester, N. Y.

New Jersey. Health Board. Data relating to sewage disposal plants in the state of New Jersey. Prepared by the Division of Foods, Drugs, Water and Sewerage. August, 1913. (Municipal Journal. October 9, 16, 1913. v. 35, p. 494, 525.) **Cc; Cm; Cp; Np.**

### Sewers

Chicago, Ill. Board of local improvements. Sewerage; instructions to mason inspectors. 1913. 3 p. **Cm.**

Typewritten.

### Sidewalks

Folwell, A. Prescott. Control of sidewalks. (Municipal Journal. November 13, p. 666–668; November 20, p. 695–697.) **Cc; Cm; Cp; Np.**

### Smoke Abatement

Benner, Raymond C. and J. J. O'Connor, Jr. The smoke nuisance; a question of conservation. 16 p. 8°. **Np.**

Reprinted from the Journal of Industrial and Engineering Chemistry, July 1913.

Cleveland, O. Smoke inspection department. Smoke abatement in Cleveland. 1913. 28 p.

Commonwealth Club of California. Smoke problems of California. September, 1913. p. 477–521, illus. 8°. **Np.**

Transactions, v. 8, no. 9.

McClelland, Ellwood H. Bibliography of smoke and smoke prevention. 1913. 164 p. 8°. **Np.**

Published by the Mellon Institute of Industrial Research and School of Specific Industries, of the University of Pittsburgh, as its Smoke Investigation Bulletin 2.

O'Connor, John. The history of the smoke nuisance and of smoke abatement in Pittsburgh. 1913. 2 leaves. f°. **Np.**

Reprinted from Industrial World, Pittsburgh, March 24, 1913.

—— The economic cost of the smoke nuisance to Pittsburgh. With bibliography. 1913. 46 p. **Np.**

Mellon Institute of Industrial Research and School of Specific Studies. Smoke Investigation Bulletin No. 4.

WALLIN, J. E. WALLACE. Psychological aspects of the problem of atmospheric smoke pollution. With bibliography. 1913. 46 p. 8°. **Np.**

Mellon Institute of Industrial Research and School of Specific Studies. Smoke Investigation Bulletin No. 3.

### Social Center

CHILDS, CLINTON S. A year's experiment in social center organization. An account of the activities conducted in public school 63, Manhattan. 1913. 20 p., 1 leaf, illus. 8°. **Cp; Cs; Np.**

Under the auspices of the New York social center committee for the wider use of school properties. Address: 311 Madison Avenue, New York City.

CINCINNATI, O. Bureau of municipal research. Schools as social centers; summary of Superintendent Condon's report to the committee on social centers of the Cincinnati board of education. 1913. 6 p. **Cm.**

EDWARDS, GEORGE H., JR. The school as a social center. With bibliography. October, 1913. 73 p. 8°.

Published as Bulletin no. 35, part 2 of the University of South Carolina.

### Social Evil

BIGGS, H. M. Venereal diseases. The attitude of the department of health in relation thereto. May, 1913. 11 p. **Np.**

New York City. Health department. Reprint Series, No. 6. Reprinted from the New York Medical Journal for May 17, 1913.

CHICAGO, ILL. City council. Preliminary report of committee appointed October 14, 1913, to investigate the "social evil." 1913. 4 p. **Cm; Cp; Cs; Np.**

JOHNSTONE, R. W. Report on venereal diseases, with an introduction by the medical officer of the local government board. 1913. iv, 29 p. 8°. **Np.**

Published by the local government board. Price 2½ d.

LANDIS, J. H. The social evil in relation to the health problem. (Ohio state board of health Monthly Bulletin. October 1913, p. 867–882.) **Np.**

—— Same, separate. **Sp.**

The author is health officer of the city of Cincinnati.

NEW YORK CITY. Department of health. The sanitary control of venereal diseases in New York. June, 1913. (Monthly Bulletin, v. 3, no. 6, p. 141–154.) **Np; Sp.**

### Streets

BARTLETT, H. E. The Bartlett system of street nomenclature an improved method of designating the streets and house numbers of cities. 1913. 10 p., chart. 12°. **Cm; Cp.**

1447 E. 66th Place, Chicago, Ill.

CHICAGO, ILL. Board of Local improvements. Instructions to sub-paving inspectors, 1913. 4 p.

Typewritten.

—— Ordinances. Clean street ordinance, wide tire ordinance, wheel tax ordinance, rules of the road and zone of quiet. n.d. 16 p. **Cm.**

Published by bureau of streets, dept. of public works, Chicago.

CHICAGO ASSOCIATION OF COMMERCE. Flower boxes for Chicago; proposed by the committee on streets of the Chicago Association of Commerce. 1913. 9 p. **Cm; Cs.**

COLOGNE, GERMANY. Ortsstatut betreffend die polizeimässige Reinigung der öffentlichen Wege und Plätze der Stadtgemeinde Cöln. 1913. 3 p. **Cm.**

DISTRICT OF COLUMBIA. Superintendent of Streets. Analysis of cost keeping as applied to municipal management of street cleaning. 1913. 7 p. **Cm.**

Typewritten.

—— —— Municipal versus contract street cleaning in Washington, D. C. 1913. 5 p. **Cp.**

Typewritten.

Morrison, Ben Y. Street and highway planting. 1913. 119 p., illus. 8°. **Np.**

California state board of forestry. Bulletin No. 4.

### Supplies

Childs, William T. Municipal purchasing and storekeeping. (Municipal Journal. October 30, p. 591–592.) **Cc; Cm; Cp; Np.**

Mr. Childs is deputy city comptroller of Baltimore. He discusses in this article why municipalities should centralize in the matter of purchasing, the plan adopted by Baltimore and the results obtained in Sacramento.

### Taxation

Manila, Philippine Islands. Report of the secretary of the municipal board on various forms of special or local assessment laws in force in some cities of the United States. 1913. 74 p. 8°. **Np; Sp.**

Mr. H. L. Fischer, the secretary making the report, visited the United States during March, April and May of 1913. During this time he studied the forms of local assessment obtaining in 12 of the principal cities. In an appendix there is a useful collection of extracts of the laws of these 12 cities on excess condemnation, assessment for purposes of paving, sidewalks, sewers, waterworks, parks and parkways, resp; as well as of those relating to bond issues and assessment of railroad properties.

### Traffic

See also above under Civic Clubs the entry under Chicago Assn. of Commerce.

Berlin, Germany. Ordinances. Droschkenordnung für den Ortspolizeibezirk Berlin von 16. Februar, 1905, in der durch die Polizeiverordununngen bis zum 14. Januar 1913, abgeänderten Fassung. 1913. 64 p. **Cm.**

Preis 30 Pfennige.

Boston, Mass. Police commissioner. Seventh annual report, 1913. **Cm; Np.**

Includes traffic rules and crowded streets, p. 13–17; violations of the automobile law, p. 7–13.

Chicago, Ill. Municipal reference library, Chicago public library, 1005 City Hall. . . . . Rates of fare of public motor vehicles in fifteen large cities. 1913. 6 p. **Cc; Cm; Sp.**

——— Statistics showing total number of deaths from automobile accidents in cities having a population of 100,000 or over in 1910; for years 1907–1912, with percentage in increase in total for years 1912 over 1907. 1913. 1 p. **Cm.**

Typewritten.

—— Committee on local transportation. Recommendations of the board of supervising engineers on initial routes for surface line subways provided for in the 1907 traction ordinances, requested by and submitted to the committee on local transportation of the city council of the city of Chicago. October 29, 1913. 8 p., folding maps. **Cm.**

Great Britain. Select committee on motor traffic. Report together with the proceedings of the committee. London, 1913. xcii p. f°. **Cm; Np.**

Price 9d. the copy.

—— —— Evidence from the committee. London, 1913. 2 v. f°. **Np.**

Vol. 1. December 17, 1912–April 3, 1913. 480 p.
Vol. 2. April 18, 1913–July 18, 1913. p. 481–1150.
Price, Vol. 1, 3 s. 6 d.; Vol. 2, 5 s. 3 d.

New York City. Board of estimate and apportionment. Report by J. A. McCollum, assistant engineer, to the Bureau of franchises upon the investigation of motor bus operation in London and Paris made in July, 1913, with the suggestion that the board formulate a policy to be pursued relative to the four applications now pending for franchises in the borough of Manhattan. November 5, 1913. 45 p. 4°. **Cm; Cp; Np.**

Report no. 125.

—— Same. (City Record, December 4, 1913, p. 11229–11238.) **Np; Sp.**

—— Board of aldermen. Report of the special committee on speed regulations. November 25, 1913. (City Record, November 28, 1913, p. 10887–10888.) **Np; Sp.**

Relates to the matter of restricting the speed of U. S. mail motor delivery trucks.

NEW YORK STATE. State department. Local ordinances relating to speed and traffic regulations. 1913. 108 p. obl. 12°. Np.

The speed and traffic regulations of 167 cities and villages of New York State.

PHILADELPHIA, PA. Report of transit commissioner, city of Philadelphia. July, 1913. 2 vols. 4°. Np.

Vol. 1. Text. XIV, 267 p.
Vol. 2. Maps and plans, to 1–69.

The transit commissioner, A. Merritt Taylor, was appointed by Mayor Blankenburg on May 27, 1912. He was directed to investigate and report upon ways and means whereby efficient and rapid transit commensurate with the present and future needs of the entire city and its suburbs might be secured within a reasonable number of years. The present report is the result. It goes fully into the question of public and private ownership and into the financial and economic aspects of the problem. If the definite recommendations of Mr. Taylor can be carried out by the city, it will be without burden to the taxpayer and with ultimate profit to the city treasury. Especial attention is directed to those maps of the report showing the possibilities of increasing the low fare zones.

VIENNA, AUSTRIA. Ordinances. Betriebsordnung und Maximal-Tarif für das Platzfuhrwerk in Wien. 1913. 53 p. Cm.

### Water Supply

SEATTLE, WASH. Water Department. Water rates, rules and regulations. 1913. 30 p., 1 leaf. 12°. Np.

INDEX AND TITLE PAGE

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# NINETEENTH ANNUAL MEETING

OF THE

# NATIONAL MUNICIPAL LEAGUE

Held at Toronto, Ontario

November 12, 13, 14, 15, 1913

## Wednesday Evening Session

*Convocation Hall, Wednesday, November 12, 1913*

His Worship Mayor Hocken of Toronto presiding.

Mayor Hocken: Our city has been honored by having been selected as a place of meeting for the annual convention of this body of distinguished public men, and students of municipal matters. We welcome the contributions of all students of municipal affairs, and when we are trying to encourage the appreciation of the importance of city government, it is most helpful to have serious minded men and women trying in every way to improve the conditions that exist. I don't think we would be right in saying that we have the finest city in America; at the same time we are going to make it that with the assistance that we will get from you.

A further welcome on behalf of Sir James Whitney was given by the Hon. W. J. Hanna, provincial secretary of municipal affairs.

President Falconer of the University of Toronto welcomed the League saying:

As we survey the present condition of affairs on this continent, we are struck with the very rapid growth of urban life. In Canada we are recognizing that a change is very rapidly coming over the population of this country. The people are being gathered into cities in very large numbers; they are developing so quickly that there is an ever-increasing demand for men to devote themselves to the oversight of these cities, in order that the foundations being well laid, may carry a good and healthful structure in the hereafter.

Criticism is occasionally flung at our men who undertake the direction of public life; but if it is considered for a moment, what they have to do, we should thank these men, who perhaps have in many cases given up the opportunities that this country affords them for great self-interest, to throw themselves into the task of helping the body politic.

As time goes on, we require in this country, not merely a man who is willing to offer himself to carry the burden, but we want also that they should be men who know just how the burden should be fitted to his own back, and to the back of the people, and to tell us just how we should develop. It is not the multitude that we require. A democracy is not led by the masses; it is led by a few, and if the few can be trained in the right way, the multitude will accept them as leaders. But we need direction more and more, particularly of those cities that are coming in upon us so fast, and we need direction in several lines.

In our universities we are endeavoring to prepare citizens who will be able to take their share, both as ordinary individuals, and as leaders in the solution of the various problems that must be met. There are the problems that will be dealt with in the faculty of arts, concerning social conditions, taxation, and various problems gathered round economics and political science. Then there is the faculty of medicine which may be subsumed under the title "preventative medicine." Today this is occupying a much larger

position than ever before, and in our faculties of medicine and the hospitals, the endeavor is being made to lay the foundations for a fine municipal health. We believe that we can contribute largely in that way. Then there are other problems dealt with in the faculty of applied science, architects. We need those who will build us beautiful homes; who will provide buildings not only commodious, but which will appeal to our aesthetic taste and senses. Then we have sanitary engineers, and so in a variety of ways, the university is interested immensely in the development of the municipality, and in all that goes to make the life of those who dwell in our modern cities more beautiful, more agreeable, and more useful.

Camillus G. Kidder, Esq., Orange, New Jersey, vice-president of the National Municipal League responded:

There is an association in the northwest, which has for its object the making of that fine, noble stream, the Red River of the North a second Elbe, black with commercial shipping. This association sometimes meets in Winnipeg, and sometimes in Grand Forks, North Dakota, and I have been told that the members fraternize so closely, that you can hardly tell them apart, and it would take great discrimination to pick out the different nationalities.

I remember at our sessions from year to year, Mr. Spence has very often brightened the discussion, as to whether this or that proposed reform is a mere "counsel of perfection," by the statement that the measure had been in successful operation in Toronto for years. It was a helpful contribution, and making all allowance for the natural mendacity which comes over all patriotic citizens, there was an air of truth about it which carried conviction. And, it is a fine thing, when you can, as a humorous friend of mine tersely said, "reduce the potentialities of the possible to the things of the is."

In closing, I think I may say, that if you care to look into the history and doings of this body you will find that its aims are simple, and it pursues them sanely. Its object is wholly to make the government of cities better, and heaven knows that the field is vast, and the laborers are few.

It affords a forum for anyone who has an idea to present, but its official outgoings are based upon careful inquiry, and are conservative. It does not generalize from one particular.

Clinton Rogers Woodruff then delivered an address dealing with the question, "Of what does municipal advance consist?"[1]

The Hon. William Dudley Foulke, of Richmond, Indiana, then delivered his annual address, the subject being "Public Opinion" which is to be published in full in the April issue of the National Municipal Review.

### Thursday Morning Session

*Thursday, November 13, 1913*

President Foulke in the chair.

The secretary presented the report of the executive committee which was duly accepted.

### Report of Executive Committee

The executive committee has had supervision of the administrative work of the League, as occasion required being kept in close touch with affairs through frequent referendum letters. It is now preparing a hand book of the members of the League arranged alphabetically and geographically. This will be distributed shortly after the first of the year.

In conjunction with the publication committee it looks after the National Municipal Review, edited by the secretary.

In the spring of 1913 it voted to affiliate with the International Municipal

[1] See National Municipal Review, vol. iii, p. 1.

League inaugurated by the League of Canadian Municipalities.

The committee has also made arrangements for representation of the League at various meetings like that of the Conservation Congress and Southern Commercial Congress.

On September 30, 1913, the membership of the League stood as follows: 2449.

Plans are in course of preparation for an active campaign for new members beginning with the first of the year.

THE PRESIDENT: The next thing is the report of the treasurer, Mr. Burnham.

George Burhham, Jr., presented his report as treasurer.[1]

THE PRESIDENT: This report seems to indicate an improvement in the finances of the League; although I guess we all desire that an even further improvement may be made in the future.

The next matter we have to deal with is the report of the nominating committee. During the presentation of this report, I would ask H. O. Richter, president of the Ontario Municipal Association to take the Chair.

The report of the nominating committee was then presented by Robert S. Binkerd, of New York, who moved that the secretary cast a ballot for the election of officers.

THE PRESIDENT: There is one matter that should be clearly understood, before doing the president the honor of reëlecting him again. My own health during the past year has been very precarious indeed, and I cannot say how long I can attend to the duties of president of this League. I have agreed to serve, with the understanding that if I find myself unable to act, there should be an acting vice-president. I thought it only fair that the League should understand my position.

Mr. Binkerd moved that the council shall have the power to fill any vacancies occurring during the year, which motion was duly carried.

THE SECRETARY: I have cast a unanimous ballot for the following officers and members of the council as nominated by the committee:

*President:* William Dudley Foulke, Richmond, Ind.

*Treasurer:* George Burnham, Jr., Philadelphia.

*Secretary:* Clinton Rogers Woodruff, Philadelphia.

*Vice-Presidents:* Miss Jane Addams, Chicago; *John Stewart Bryan,* Richmond, Va.; Camillus G. Kidder, Orange, N. J.; A. Lawrence Lowell, Cambridge; George McAneny, New York; J. Horace McFarland, Harrisburg; Charles Richardson, Philadelphia; Chester H. Rowell, Fresno, Cal.; Dudley Tibbits, Troy.

*Council:* Charles W. Andrews, Syracuse; *Mrs. Philip Bancroft,* San Francisco; M. N. Baker, Montclair, N. J.; William P. Bancroft, Wilmington, Del; Edward L. Burchard, Chicago; Charles J. Bonaparte, Baltimore, Md.; John A. Butler, Milwaukee, Wis.; William M. Chadbourne, New York; Harvey Stuart Chase, Boston; Richard S. Childs, New York; Julius Henry Cohen, New York; Dwight F. Davis, St. Louis; Mrs. Charles Farwell Edson, Los Angeles; Rev. W. G. Eliot, Jr., Portland, Ore.; Walter L. Fisher, Chicago; *James A. Haight,* Seattle, Wash.; Clarence L. Harper, Philadelphia; Prof. Albert Bushnell Hart, Cambridge, Mass.; Raymond V. Ingersoll, New York; President Edmund J. James, Urbana, Ill.; W. D. Lighthall, Montreal, Canada; Meyer Lissner, Los Angeles; William G. Low, Brooklyn; Knowlton Mixer, Buffalo; Frederic Cook Morehouse, Milwaukee; Oliver McClintock, Pittsburgh, Pa.; *John Lord O'Brian,* Buffalo; Robert Treat Paine, Boston; Elliott Hunt Pendleton, Cincinnati; James W. S. Peters, Kansas City, Mo.; *Lawson Purdy,* New York; *F. L. Siddons,* Washington, D. C.; *F. S. Spence,* Toronto; *Howard Strong,* Minneapolis; *George B. Ward,* Birmingham, Ala.; A.

[1] See NATIONAL MUNICIPAL REVIEW, Vol. II, p. 559.

Leo Weil, Pittsburgh, Pa.; Thomas Raeburn White, Philadelphia.[1]

Mr. Richter: I declare the several officers nominated duly elected, and I have much pleasure in extending to you, Mr. President, my hearty and sincere congratulations upon your reëlection to the important position of president of this League.

The President: I am sure, that I am doubly grateful.

Mr. Burnham then presented the report of the committee on municipal budgets.

### Report of the Committee on Municipal Budgets

Your committee on municipal budgets has the honor to submit this, a preliminary report on the subject entrusted to it for investigation and report. It is called a preliminary report since the committee believes that in it it has done little more than outline the problem and present certain of its phases which should be brought before the League for discussion.

At the outset the committee desires to emphasize the fact that, in its opinion, the problem of improving methods in respect to the framing, presenting and taking action upon budgets can not, or rather should not, be separated from the other operations involved in the management by municipalities of their financial affairs. The budget is but one link in a complete chain of operations having to do, on the one hand, with the authorizing, collecting, recording and reporting of past, and the estimating of future, receipts, and, on the other, with the authorizing, expending, recording and reporting of past, and the estimating of future, expenditures. All of these steps are intimately related one to the other. Together they have for their purpose to ensure:

1. That no step shall be taken except as legal authorization therefor has been made, and that all obligations and restrictions imposed by law shall be rigidly adhered to.

2. That a proper record shall be made of all operations had.

3. That a complete accounting shall be secured of all moneys received, or that should be received, and of all moneys expended.

4. That a full and complete report shall be had of all such transactions.

5. That an estimate of future needs shall be presented to the authorizing authority in order that it may act intelligently in making provision for the conduct of the government in the future.

These several operations are covered by the designations: (1) revenue and appropriation acts; (2) accounting; (3) auditing; (4) reporting; (5) the budget.

The foregoing is, of course, but a matter of A, B, C to all persons who have at all concerned themselves with matters of municipal finance. The statement has only been made in order, in this place, to bring out the exact position occupied by the budget in the general problem of the management of municipal finances, and its intimate relations to the other features of this problem.

The function of a budget is to present, at one time, and in one place, to the authorizing authority a comprehensive and detailed, but, at the same time, a clear and logically arranged, statement of receipts, appropriations and expenditures in the past, and, on the basis of such data, of receipts and expenditures to be anticipated, or provided for, in the future. This being the function of the budget, your committee has sought, in the following paragraphs, to set forth, and briefly comment upon, the fundamental conditions that must be met if this function is to be properly discharged.

*1. Every city should adopt the principle of an annual budget and should make it the foundation of its financial system.* The committee does not feel that it necessary to argue this point. It

[1] The names in italics are new officers or members of the council.

lieves that there is a substantial agreement on the part of all students of municipal affairs that a prime requisite to improvement in the management of municipal affairs is that municipalities should adopt the policy of considering at one time the whole financial situation of the municipality and of making definite provision for taxes to be levied and expenditures to be authorized for the ensuing fiscal year. It follows as a matter of course that, if this is to be done, the council, as the authorizing authority, should get before it at one time all the information needed by it in order that it may act intelligently.

*2. The budget must be essentially an executive act.* It should represent, in the first place, the definite statement by the executive of the manner in which previous authorizations for the collection of revenues and the making of expenditures have been carried out. As such it is the most important report of stewardship that the executive makes. In connection with this report on past operations, it should, in the second place, present a corresponding statement of money which, in the opinion of the executive, will be required to maintain the government during the ensuing year, how this money shall be raised, and how expended. It should thus constitute a statement of the administrative program of the executive for such year.

*3. It should be comprehensive.* It should, in other words, represent an absolutely complete showing regarding receipts, from all sources, and expenditures, for all purposes, made or estimated for the future.

*4. It should be itemized in the greatest practicable detail.* The purpose of the budget is to show, not merely the lump sums received or expended, according to general heads, but precisely the manner in which income has been, or is to be obtained, and money has been or is to be expended. Without such detail legislators making use of it will not be able to exercise any independent judgment regarding either past performance or future needs.

*5. It should be prepared in such a form as to permit of detail, as well as summary, comparisons between expenditures, appropriations and estimates.* This end can be secured by showing in parallel columns for each item, and group of related items: (a) receipts and expenditures for the last completed year; (b) anticipated receipts and actual appropriations for the current year; (c) estimated receipts and expenditures for the ensuing year; (d) the increase or decrease represented by such estimates over current appropriations; (e) reference to acts authorizing the receipts and expenditures shown.

In notes, or accompanying text, should be set forth the reasons or arguments for all changes of importance represented by the increases or decreases.

*6. It should distinguish clearly between expenditures for capital outlay and those for current maintenance and operation, and also between those for salaries and wages, and those for other purposes.* There are other distinctions which it is desirable should be made if it is feasible to provide for them without unduly complicating the presentation. The two mentioned are, however, practically essential if the true significance of the figures shown are to be appreciated.

*7. The items should be classified and grouped in such a manner as to bring out relationships and the real nature of the activities of the government.* A mass of unrelated items will convey little or no information. It is only as they are arranged in groups and subgroups, with corresponding totals and subtotals, that the significance of the operations covered can be seen.

*8. The classification should be according to two principles:* (a) organization units of the government; (b) functions.

We have here to do with one of the most vital features of a budget. A budget, as stated, is essentially an information document. It should, therefore, be

so prepared as to afford the maximum of information, and in such form that it can be easily understood and utilized by the ordinary person. Your committee understands that one of the most important features of the task that was assigned to it was that of determining, and, if possible, drafting a form of a budget that would be adapted to the needs of a small municipality, say one of from 50,000 to 100,000 inhabitants. To carry out this task your committee has given careful consideration to the principle or principles upon which a budget, or appropriation act, should be framed. Expenditures may be estimated for and authorized in a number of ways. Of these it is necessary to specify but two: that where the estimates or authorizations are according to the services to be maintained and that where they are according to functions or duties to be performed. Were all services of the government unifunctional, and there were no overlapping, such as would be the case if each service of the government performs a single function and no other service performs any duties falling in the field of another service, it would be immaterial which of the two systems were adopted. Unfortunately, for budgetary purposes at least, this condition of affairs rarely, if ever, obtains. The result is, that the figures appearing in a budget must, if it is to give the information necessary, be classified in each of these two ways. Stated in a different way, this means that the budget should be according to one principle of classification and be accompanied by a supplemental statement analyzing these figures according to the other principle.

This presents the question as to which principle shall be adopted as the one to be followed in the estimates proper, and which used as the basis of the supplemental analysis. As is well known the standard, or uniform, classification of municipal receipts and expenditures, for use in reporting purposes, approved by the League, and employed by the Census Bureau, rests upon the functional basis. It aims, on the expenditure side, to bring together all expenditures for a given purpose regardless of the services responsible for them. The establishment, and constantly extending use, of this classification, for purposes of presenting and comparing municipal expenditures, constitutes a strong argument in favor of the League attempting to have it generally adopted for budgetary purposes as well. Notwithstanding this, your committee has, with some reluctance, come to the conclusion that the basis of classification for the budgetary statement proper should be that according to organization units. Following are some of the more important of the reasons which have led it to this conclusion.

In the first place, it is desirable to emphasize in every possible way the factor of personal responsibility. In the actual organization and conduct of the affairs of government, individuals are in charge of particular divisions or subdivisions of the government and not in charge of the performance of particular categories of work, except in so far as such particular categories are entrusted to particular organization divisions. As a result, individual responsibility consists in expending money and estimating the needs of such subdivisions of organization. The actual preparation of estimates consists in the individuals constituting the directing personnel making estimates of the needs of the services under their direction and forwarding them to the official next in authority above them. Here they are scrutinized, criticized, revised, and aggregated, and again forwarded to the person next in rank, this process being continued until the final aggregation is secured. If a man's estimates are broken up and scattered in different parts of a budget it is bound to lead to confusion, and make it difficult for the legislator to reach the proper man or proper administrative report for further information. Only by keeping accounts and making reports according to organization units is it possi-

ble to determine the efficiency with which the individual services are being run. Only as the heads of services know that their services are going to be considered on the basis of the work for which they are individually responsible will there exist a real incentive to efficiency and economy. This being the necessary basis for accounting and reporting it is of prime importance that the budget should be in conformity with it.

In the second place, it is desirable that the budget, and appropriation act based on it, should present as complete a picture as possible of the organization of the government in outline. They should reveal at a glance just what departments, bureaus, and subdivisions are being maintained, their relations to each other and the personnel required by each. If a budget is properly prepared it will constitute an invaluable document revealing the structure of the government to be financed.

This decision in favor of the organization unit as the basis of the budget proper, by no means implies that the desirability of having expenditures, appropriations and estimates shown on the functional basis is ignored. On the contrary, as has already been stated, the committee is of the opinion that the budget should embrace a supplemental statement restating the figures on this basis. In making this restatement it is desirable in the extreme that such statement should conform to the standard classification of receipts and expenditures. This will mean not only that the statement will be in the same form from year to year but that comparisons can be made with other cities.

In making the primary statement according to organization units it is desirable that, in all cases where a given unit of organization performs more than one function, as segregated in the standard classification of receipts and expenditures, the figures pertaining to the several functions shall be shown. In like manner, in the supplemental statement according to functions, it is desirable that, where the same function is performed by two or more organization units, the figures pertaining to each unit should be separated. If this is done the very important information is furnished of the extent to which the performance of the same or related functions are scattered among a number of services. In this way the basis of information is laid for the consideration of the extent to which the government is efficiently organized for the discharge of the duties entrusted to it.

*9. The budget should be accompanied by the annual administrative reports of the mayor and all other administrative officers.* The budget should be made the occasion for the annual survey of the operations of the government and the manner in which administrative officers have discharged their duties. It should be the central document, as it were, of the complete scheme of reporting. The other reports should be in the nature of supporting documents giving details and arguments which it is not feasible to include in the budget itself.

*10. The budget should be the basis of the appropriation act.* By this is meant that the appropriation act should follow closely the form and arrangement of the budget. It does not mean, however, that all items appearing in the budget should also appear in the appropriation act. The budget should be itemized to a much greater extent than the latter document. In many cases, where the budget shows a score or more of items representing estimated needs for a particular category of work, the appropriations act should show only a total sum for the category as a whole. This, while making definite specification of the purposes for which expenditures may be made, permits of that degree of flexibility in the expenditure of the sums authorized that is essential if the administration is to make the most effective use of the money.

In the foregoing your committee has sought to do two things: to set forth those principles which, in its opinion,

must be adhered to if a proper budgetary practice is to obtain; and to make clear the fact, which it is the prime purpose of this report to emphasize, that the budget, both as regards its character and form, must be intimately related, and made to conform, to the other operations involved in managing the financial affairs of the municipality. The books of account, the appropriation acts and the budget should all employ the same phraseology, classification and arrangement. If this is done, they will severally and collectively support each other. The budget will show the sums requested for each service or category of work, and classes of related services and categories. The appropriation act, following the same phraseology, classification and arrangement, will show the sums actually authorized. On the basis of this appropriation act, corresponding detail and controlling accounts will be opened up in the offices of the treasurer and auditor. These accounts will automatically produce the figures that should appear in the reports of the treasurer and auditor to make known the financial operations of the municipality. These, in turn, or later totals taken direct from the books, will, in a similar automatic manner, furnish the data that should be incorporated in the succeeding budget as furnishing the basis and justification for the estimates for future needs. Thus the chain is completed from budget to budget. All of the parts are integrated or correlated into one harmonious scheme of information documents. Once in operation the difficulties now confronting, both the technical accountant and the ordinary citizen, in harmonizing apparently conflicting data contained in the reports of the treasurer, auditor and other officers will be eliminated or largely reduced. Through such correlation, and such correlation alone, will it be possible to obtain at one and the same time the two classes of information—that regarding past experience, and that regarding prospective needs—that must be available if intelligent financing is to be secured.

THE PRESIDENT: This report shows very clearly the general character of the work of the League, which is largely technical, and its chief usefulness appears in our publications and the information which is given to the particular persons charged with budgets and other technical departments.

The report was accepted.

THE PRESIDENT: The next report is that of the committee on municipal reference libraries, which will be presented by Dr. Horace E. Flack, municipal reference librarian in Baltimore.

### MUNICIPAL REFERENCE LIBRARIES

In 1909, the National Municipal League recognizing the value and importance of municipal reference libraries, appointed a committee to investigate the subject and make recommendations as to the organization of such libraries. After a thorough investigation of the subject, the committee submitted its report at the meeting of the League in Buffalo, November, 1910. The recommendations made by the committee for the organization of such libraries are also contained in the article by Earl W. Crecraft in the October number of the NATIONAL MUNICIPAL REVIEW. Copies of this report were sent by the committee to the mayors and public libraries of the larger cities, with a letter calling attention to the importance of the subject. The results have justified the efforts of the League, for since the report was made the following cities have established such libraries: New York, Chicago, Philadelphia, St. Louis, Portland, Ore., Oakland and Toronto. All of these, with the exception of New York, have established the libraries along the lines recommended by the committee by placing the library under the control of the public library, with an office in the city hall. The form of organization of

the Milwaukee library has also been changed by placing it under the public library, with an office in the city hall. Minneapolis also has a municipal reference library in the public library. The public library of Fort Wayne, Ind., has started a municipal reference section and it is planned there to have this a branch of the library, with an office in the city hall. To a certain extent, municipal reference work has recently been done in Cleveland and it is thought that in the very near future, a regular municipal reference library will be located in the city hall as a branch of the public library. The public library of Grand Rapids, Mich., has quite a collection of municipal documents and to a certain extent takes the place of a regular municipal reference library but it cannot be said to have a regular municipal reference library. The University of Cincinnati maintains a municipal reference library in the city hall. It is under the general direction of the Professor of Political Science at the University. The Universities of Illinois, Wisconsin, Kansas, Minnesota, Washington, California, Michigan and possibly others have municipal reference bureaus for the cities of their respective states. Such bureaus, however, should not take the place of the local municipal reference libraries. There should, however, be coöperation between the university bureau and the local library. No doubt, there are many smaller towns and cities which are not in a position to maintain their own municipal reference libraries and in cases of this kind, the University bureau can supply this means. Attention should be called to the fact that the University of Wisconsin has just established a course for the training of those who wish to undertake legislative or municipal reference work.

The league's committee on municipal reference libraries and city archives for the purpose of trying to secure the establishment of municipal reference libraries in all the more important cities have decided to use the article prepared by Mr. Crecraft instead of preparing a new report or having the 1910 report reprinted. The committee cannot urge too strongly, however, that in making provision for municipal reference libraries, an adequate appropriation be made for their maintenance and that only those of scientific training be placed in charge of them. It is also absolutely essential that such libraries be so organized as to prevent political interference. The greater the number of such libraries, the greater the possibilities for coöperation in this work.

Your committee have given advice in regard to the establishment of municipal reference libraries in other cities and believe that the report which was submitted at the Buffalo meeting in 1910 has had a great deal to do with the establishment of municipal reference libraries. It is the purpose of your committee during the coming year to write a letter to the mayors and public librarians in all the larger cities, in regard to the establishment of municipal reference libraries and a reprint of the article by Mr. Crecraft will be sent with these letters. The committee will also be glad to do whatever it can in the way of securing greater coöperation among the several municipal reference libraries.

HORACE E. FLACK.[1]
*Chairman.*

*November 13, 1913.*

DR. FLACK: There is an arrangement now whereby several municipal reference libraries are coöperating, by sending each other copies of references which each of them prepares.

THE SECRETARY: The municipal reference library in Philadelphia is in the

[1] *Members of committee:* Horace E. Flack, Legislative Reference Department, Baltimore, Md., Chairman; Hon. Thomas Lynch Montgomery, State Librarian, Harrisburg, Pa.; Miss Edith Tobitt, Librarian, Omaha Public Library; Dr. Henry J. Harris, Library of Congress, Washington; Dr. Robert H. Whitten, Librarian, Public Service Commission, New York City.

city hall in close proximity to the city departments, and it is interesting to know that a great many of the city employees use it as a place to spend the lunch hour. It is also used by councilmen and other officials who have to prepare speeches upon municipal subjects.

I may say that the department is not intended to be a complete collection of books, but to be an index of all the resources of the city and the libraries on that subject. Buried away in the city hall are reports; but they are of little or no value, because they are not indexed; and the libraries themselves have collections which, until the municipal reference department indexed those volumes and reports were not accessible to students and the public generally. When a person goes in, he is not given the book at once, but the book is sent for, and at a designated time the information is there, arranged for his or her convenience.

Our experience in Philadelphia has been such as to encourage us in the belief that this system can be made of still wider usefulness.

Prof. Frank G. Bates (Bloomington, Ind.): Last year at a meeting of the legislative librarians, a scheme was perfected whereby libraries—legislative libraries particularly—should coöperate and furnish each other with certain information. The scheme was to have a central clearing house, which should receive from the subscribers to this scheme information concerning investigations of public questions, which are undertaken in their respective communities, or which have come under their observation. This scheme has been in action since October 1; already about ten bulletins have been issued containing brief statements of such investigations undertaken which are of general interest. These are sent in from different libraries, prepared in typewritten form, and then sent to the subscribers. If an investigation is carried on anywhere the information is given to all the subscribers so that they may avail themselves of this information and prevent duplication of effort, and put them in touch with the information they are perhaps particularly interested in. The clearing house is at present at the bureau of legislative information at Indianapolis.

The President: Now we are approaching a fundamental institution, civic education, and I am sure we will have much pleasure in hearing Miss Louise Connolly, of the Newark Public Library.

Miss Connolly's striking address was received with frequent applause.[1]

An elaborate report on "Civic Education" was read by the chairman of the special committee, Arthur W. Dunn, of New York.

### An Abstract of a Report by the Committee on Civic Education

Investigations to be of value should be followed up constructively. The committee's inquiries have shown that the schools want positive suggestions.

There is abundant evidence that civic education is inadequate and largely ineffective in the schools of the country; that the schools recognize this fact; that there is need of extending civic training down through the secondary schools into the elementary schools; that civic training should give less emphasis to mere information about government, and more to the qualities of good citizenship, and should direct atttention away from textbooks and toward the realities of the community in which the child lives. Successful or promising experiments and methods have appeared here and there, and there are large possibilities for effective civic training through such nonschool agencies as the Boy Scouts, junior civic leagues, and similar organizations of youth.

Every improvement in actual municipal conditions that the League is able to

[1] Unfortunately the stenographer made no report of it, but we hope that she will be able to reproduce it for our April issue.—C. R. W.

bring about is educational work of the highest value, for one of the chief factors in civic education is "the common heritage of civic conditions, civic habits, and civic ideals. But all efforts to secure permanent improvement of civic conditions, civic habits and civic ideals will be fruitless that do not build upon the hope of a more intelligent and more interested citizenship. Not only is it a proper function of the League to include in its program an organized effort to improve the quality of civic education, but no more important and far-reaching step in the direction of better municipal conditions can be taken.

The first step should be to assist in the development of a proper conception of what practical civic education is, and to convince civic organizations of the importance of such education as a part of their programs for civic betterment.

The problem of effective *civic* education is really the problem of *effective education*. The civic education of the children will not be properly provided for until the entire work and life of the school are adjusted more perfectly to the needs of the community. This does not eliminate the necessity for direct instruction in civics, but only suggests that such instruction must itself be reorganized to adapt it more directly to the needs of the child as a member of the community.

A second step is to disseminate information about successful and promising experiments in order that one community may profit by the experience of others. This will involve a system of publicity. There is a considerable demand for addresses on this subject. It should be possible for the League to provide suitable speakers where there is a call for this service.

A third activity should be a continous search for successful or promising methods of civic education and for the latest ideas on the subject. Such information should be gathered by a well-organized plan of coöperation with school authorities. The committee has had a generous response to recent communications sent out for this purpose.

A fourth step is to obtain an appraisal of the value of work that is being done. The time is past when the value of a given method or experiment can be determined solely on the basis of opinion. In a measure the value of civic education may be measured by its immediate results in the life of the child, of the school, and of the home, neighborhood and community. Some such standards as those used by Dr. F. M. McMurry in appraising the efficiency of instruction in the New York schools should be of peculiar value in appraising the work in civics because they refer directly to fundamental qualities of citizenship. Current opinion regarding this question of standards should at least be ascertained, and teachers and supervisors stimulated to test the work in their care and to record results. A beginning has been made in this direction.

An important factor in civic education is the direct participation of children in civic functions. A great opportunity for the cultivation of proper civic habits is presented in the life of the school itself. But there is greater opportunity through actual participation in the activities of the larger community outside of the school. Such participation should be encouraged, but it should have competent guidance and the coöperation of older people. Participation by children in public matters is valuable in proportion as it is directly educational.

The most important factor in all education is the teacher. One of the chief obstacles to effective civic training is the lack of adequate preparation of the teacher for the work. It is encouraging to find a considerable number of the training schools for teachers consciously dealing with the problem and enriching their work for this purpose. Nevertheless it is apparent that the generally prevailing conception of preparation for the delicate task of cultivating good citizenship is a fairly comprehensive knowledge of the Constitution. A recent letter

from a city superintendent voices a widespread feeling that it is unfortunate that the civic training of boys is so largely in the hands of women. This difficulty is not so serious as it seems if we remember that civic education is the cultivation of the qualities of good citizenship. What teachers need is not so much a more intimate knowledge of governmental activities as a new attitude and point of view.

The substance of this report may be summarized briefly:

If the repeated investigations into the status of civic education are to be of value, they must be followed by a constructive program; the results of these investigations show not only that help is wanted, but certain lines along which such help would be profitable; it is not only a proper function of the League to do such constructive work, but it should be a peculiarily important part of its program, since hope for permanent municipal improvement depends largely on the cultivation of an intelligent citizenship.

Some of the lines of constructive activity to which the League might properly apply itself are:

1. Propaganda to aid in developing among civic organizations and the thinking public a better appreciation of the importance of civic education, and a clearer conception of what it embraces.

2. Dissemination among the schools and other agencies that deal with youth of information regarding successful or promising experiments or methods, and regarding the best thought on the subject.

3. A continuous search for new ideas as they express themselves anywhere from time to time.

4. An appraisal of experiments and methods by practical standards now in use or to be discovered, and the stimulation of teachers and supervisors to record results and to test their methods.

5. A study of the activities of agencies which work largely through the participation of children in civic activities, both from the point of view of immediate civic results, and from that of their educational value; and with a view to seeking greater usefulness of such organizations.

6. Propaganda in behalf of better preparation of teachers for the work of civic education.

7. The cultivation of close coöperation with the National Bureau of Education, state and local educational authorities and professional teachers' organizations. The actual readjustment must be made by the educators themselves.

The committee recommends that the League establish a Department for the Promotion of Civic Education, with a strong advisory committee and a secretary or director.

Respectfully submitted,

ARTHUR W. DUNN,[1]
*Chairman.*

RT. REV. CHARLES SCADDING (Bishop of Oregon): I am going back to Portland inspired by what has been said. The reports were so consecutive, so clear and so thorough, that there is not very much room for discussion. I come from a state which is supposed to be a state of fad legislation. We have the initiative, referendum and the recall, and women's suffrage, and everything like that out there. Some of you know the history of that movement. Some of you know that we have women's suffrage, to which I am a convert. I have seen what good is done there and we are under a commission form of government.

[1] The plan for the establishment of a department of the league for the promotion of civic education, as recommended by the committee on civic education in its report to the league at Toronto, has been approved by the council and the executive committee. A considerable portion of the necessary funds has already been raised and the executive committee has underwritten the salary of the director or secretary of the new department. Mr. Dunn as chairman of the committee on civic education has given his entire time since the first of September to the preliminary work of organizing the department and good progress has been made in establishing relations with educational authorities throughout the United States. Three booklets have been issued and material for other publications is in hand.—EDITOR.

Five men and our mayor handle our young city just like a man would handle a railroad or any good business corporation. They are saving the city large sums of money. Sometimes I think we make mistakes. The referendum was invoked against our state university and our professors were held up in their stipends for awhile and the University had a setback, something which could not happen here in Toronto. It has gone back to the people and the people have voted on it almost unanimously, at least by a great majority, and our state university is stronger today than it was before.

Don't think for a moment that you are wrestling with the church. You are not. The church is with you, and I believe that you will find that we are today wrestling for civic betterment against all manner of evil.

When we pray "Give us this day our daily bread," we don't wait and see how it comes to us, we go out and earn it. We don't sit idly by and see the evil go on. We want to stand shoulder to shoulder with you, and I, as a member of this League, will do the best I can to forward its interests in the city of Portland. The gentleman on my right is the editor of our leading church paper, *The Living Church*, a man who stands for all these things under Mr. Woodruff for the dissemination of just such information. We are standing by your side and we are interested in it and we want to do all we can to help you.

Another thing is this, the great majority of the women don't want to vote. I advocated it in my house and I did not find any support. We cannot get a fifth of the women in our town to vote. They seem to think it is indecorous for them to do so. Now, to give a woman a vote in national affairs once in four or five years is not going to make her any better or worse.

I believe the vote as a rule would tend to good. But, as I said, the ladies had better get to work amongst other ladies and try and have them see the necessity for it. I say in this country the ladies can get everything they want that is reasonable and right, and I believe with you, Miss Connolly, that the boys in this country are good boys and all they want is the training, and I don't believe in our schools today—whatever you may do in your colleges and upper classes—I don't believe in our schools you can mix politics and religion.

## Round Table Luncheon

*November 13, 1913, McConkey's Restaurant*

### civic education

The Chairman: (Arthur W. Dunn) One thing that I have felt called upon to emphasize from time to time is the fact that civic education is not something that we can *will* to have or not to have. It is a continuous, inevitable process, not only for children but for adults.

It is not merely the school that is training for citizenship, but a great many agencies—the home and the street, the shop and the playground, all have their influence in this process of civic education. Some agencies train for efficient citizenship, others for inefficient citizenship. The real problem before an organization like ours is not whether we shall institute civic education but how the forces that do train for citizenship may be controlled or directed. In order to decide what forces are doing good work and what forces are doing poor work, we need standards by which to judge. And in order to arrive at such standards, it is necessary first to answer the questions, What is civic education, what is its aim, what is its scope? It is these questions that I should like to have this group discuss.

Isaac Adler: I want to say at once that there was nothing said in either of the excellent papers heard this morning on civic education with which I take issue. I am thoroughly in accord with with all that was said, and all I shall attempt to do is to suggest some lines

of work which the National Municipal League might possibly undertake in order to further civic education.

In the talk of Miss Connolly I was particularly impressed with the statement which she brought out so forcibly that we are endeavoring to train citizens through non-citizens; and I could not but feel that her entire talk from beginning to end, both in what was said and in the way she said it, was an extremely strong argument for women's suffrage.

It is true, as repeatedly said this morning, that if we are going to educate the children, we must educate the teacher. What more effective means of educating the teacher can be found than giving her the vote? I have not long been a woman's suffrage supporter, but I confess the arguments of Miss Connolly this morning made a deep impression upon me.

A second instrument of civic education, which was not touched upon in the papers this morning, but which seems to me to be important, is the evening schools and evening meetings of citizens in the schools. We have in Rochester courses for citizens about to be naturalized, schools where they are prepared for naturalization. In this movement for the education of foreigners, as well as of our own citizens in the evening schools, we should find a splendid opportunity for civic education.

Then, also, in the wider use of the school buildings for neighborhood meetings we should find a great field for spreading civic education. That subject, I understand, has already been taken up by this league and a book published relating to it. It seems to me that perhaps nothing more effective could be done than to spread the gospel of school buildings as neighberhood centers.

There is a third factor in this problem of civic education, which I think lies a little deeper than anything you have touched upon this morning. Our trouble comes from the boys and girls who drop out of school before they graduate from the elementary schools, and who never get the training that comes in the seventh and eighth grades. Therefore it seems to me that the most important thing we can do is to keep the children longer in school. We have been making a very careful and interesting study in Rochester of the causes of elimination. The child who in the early years of schooling is frequently absent, is retarded. Retardation brings the child over age in his grade and is the most effective cause of elimination from the school.

If, therefore, we make a study of this subject of irregularity in the lower grades with its consequent retardation and ultimate elimination, and call the attention of the people generally to the ill effects of irregular attendance in the lower grades, we shall take a long step towards securing better civic education. We have started vocational education in Rochester with the distinct object of interesting the child and ascertaining for what he is fitted. The introduction of vocational education in the preparatory school would be well worth the earnest efforts of this Association.

Miss Connolly: I want to say only one word. Every night for the last few years I have said before I went to bed the Lord's prayer, "Now I lay me," and "Oh, Lord, please preserve me from making a suffrage speech," but I see that the Lord has not preserved me.

What I wanted to say is that since eleven o'clock I have become more and more impressed with the coming truth of a glorious vision I have had at heart for some years: it is the vision of the western continent doing it right; it is a vision of the men of America saying to the women of America "Come and help us and we will help you to help us," and the women saying, not "Give it to us," but "May we be worthy of it!"

Dr. Wilcox: What has been said today on civic education has covered the field so well that I can hardly add anything to it. But I have this to say in

connection with the suffrage question. One of the three main reasons why I believe earnestly in the extension of suffrage to women is that in our big cities where we have our problems to solve there is no doubt a great amount of leisure that is going to waste, and it is mostly the leisure of women—women of the middle and upper classes, who have more leisure for serious matters than any other class in the community. Now it is my hope that the enlargement of the suffrage, particularly in municipal affairs will enlist in the services of these great problems the free time of this large class of our citizens.

Mr. Dunn has I might say, monopolized to his committee our whole program, because he has dealt so thoroughly with what we are all trying to do. What are all our problems when we simmer them down? In the last analysis they are simply problems of civic education. What we want is an educated people, people interested in the government themselves. When we have that, we will be ready to quit in our civic endeavor.

In addition to the use of the school buildings in which I am greatly interested, I want to call attention to another thing that has been spoken of. I am a strong advocate of the initiative and referendum and have been for a number of years. Why? Simply because of this fact, that we must have an educated people, and it seems to me that the direct participation of the people in the affairs of the government, in passing upon measures—which they will take home and discuss with their families and apply their brains to—is an essential, at least a most effective, method of civic education.

This committee has directed its attention primarily to that phase of civic education which is to take the children through the schools and educate them to be citizens. It seems to me that we must attack this problem all along the line. When I am working on franchises and public utilities, I am helping him in his problem of getting into the schools something vital in reference to citizenship. We have to teach the parents first, the children first, in other words both at once.

In democracy the natural organ of publicity, the natural organ of government, is the newspaper, and many of us have found, sometimes to our sorrow, that the newspapers, being privately controlled in many respects, are not always open channels for discussion. Under the conditions that confront us, the newspaper problem is one that needs attention. We must either get control of the newspapers and make them responsible to the democracy, or else we must get around them. Out West, in Oregon, and some of the other states, where they have adopted the initiative and referendum, they have provided for the voters' handbooks to give information to the citizens, and chances for discussion, which in a measure will counteract the failings of the newspaper.

It seems to me that this matter of the use of the school, the establishment in every local community, in every part of every great community, of a place where the people of the neighborhood can meet, is an essential thing in connection with the participation of the people in government for which we are asking. So it seems to me that this whole program, the enlargement of the suffrage, the correct use of the school buildings, neighborhood discussion, the getting control of, or bringing to a sense of greater responsibility, the newspaper press, and the enlargement of the participation of the people in government—all of these things will help, and powerfully help, the movement for the direct education of the children through the schools.

[At this point E. J. Ward of the University of Wisconsin was introduced, and spoke on the subject of the social center as a factor in the process of training for citizenship. Unfortunately, the transcript of his remarks were not edited by him in time for publication in this issue of the REVIEW.]—EDITOR.

THE CHAIRMAN: I referred in my report this morning to the fact that the American Political Science Association also has a committtee at work on the problem of civic education. Prof. Wm. A. Schaper of the University of Minnesota, has been a member of that committee, and we should like to hear from him.

PROFESSOR WILLIAM A. SCHAPER of the University of Minnesota: I was the chairman of a committtee some years ago that first started this work in the Political Science Association and I am still very much interested in it. I was also a member of a committee of this league for a number of years. Our principal work was to see what emphasis the leading colleges gave to city government. We discovered that our leading universities ten years ago were not reaching their students at all and that the normal schools had not even started to train their teachers for this particular duty. It seems to me that if this league has any work before it, it is to see that the schools that train our teachers should emphasize this work of civic education.

The primary agency for civic education must be the public schools. It is through training the children that you are going to get intelligent discussion in these meetings that are to be held in the future. In order to train the child we must train the teacher. Our first investigation showed that one of the largest universities in the east did not have a single man teaching government. The university that is generally credited with having first developed political science did not at that time teach a single undergraduate. The whole work of the university only five or six years ago was directed towards teaching graduate students and not a single hour was given to undergraduates.

I inquired in one of our educational associations the other day whether there was a department to teach the teachers in one of the largest universities in the west and I was informed that there was no course given in government.

Some years ago I ran across a letter published in a South Carolina paper in 1875. In that letter the writer said: "There are citizens who tell us that the revolution is now over. I say that the revolution has just begun; the war is over, but the revolution has just begun. What is that revolution? It is preparing a nation for a system of responsible government." It seems to me that was putting the thing very aptly. There were men at the time who understood the problem very well, among them George Washington and Thomas Jefferson. They worked hard to secure the establishment of a university in Washington to teach the science of government. Jefferson afterwards founded the University of Virginia, and his first object was to have that university teach the science of government and the civil law. It is the same problem we have today. After the public school was instituted we turned these problems over to them, and they haven't taken care of them. Until we do our work properly in the institutions where the teachers are trained, we can never hope to get the civic education we are looking for.

MR. I. LIONBERGER DAVIS (St. Louis): Mr. Chairman, I want to introduce myself to the meeting. I have just come from Buffalo this morning. I have listened with considerable interest to the discussion of the speakers, but it seems to me that one of the biggest problems of civic education has been overlooked. I speak now of the great mass of people in our country who have not the opportunity either of getting primary education or of continuing their education after they start to work. There are a great many people in America today, and I think in England, who have not the physical necessities that they require, nor the leisure for developing their minds, so that they can become competent and efficient citizens.

I have been working for three weeks trying to settle a great industrial strike in St. Louis and I want to say that

underlying all your education, underlying all your betterment in government, comes the creature welfare of your working people, and it seems to me that all of us interested in municipal government ought to take every means in our power to improve the condition of the great mass of our people so that they may be able to get education and continue that education after they leave the schools. In St. Louis the board of education tries to meet the problem by continuation schools. I don't know how it is in most of the states or here in Canada, but I do know how it is in my own state. Fully eighty per cent of the children who reach fourteen go into industry.

I think the hope of America rests upon the plain, ordinary, every day man. If the people who work in our factories live in our crowded communities, or work upon our farms don't get the opportunity for proper education, the hope of our nation is gone and democracy is a sham.

Mr. Charles W. Norris (Milwaukee): Mr. Davis has spoken of the country. This is a National Municipal League. We need a national suburban and farm league. It does not seem to me that the work that is done here is reaching out to the localities that it should. We need a landscape gardener to lay out country conditions so as to get the people in the country closer together.

Mr. Ward from my state has spoken of making the kid the goat. I want to say to Mr. Ward that he cannot do it. The kid is much smarter than his elders. You all remember the saw that "the child is father to the man." I want to say that we must not forget the children, we must not create social centers—or as I believe the gentleman from Rochester would say, neighborhood centers—for the adult. We must make them for the children. Where the child goes, there will the parent come.

Mayor McKerogow (Westmount, Que.): I am a stranger to most of you and I have listened with a great deal of pleasure to the remarks made by the several speakers, but the one address of the day that has impressed me most forcibly and which I will carry away was that made by Miss Connolly. It is impossible to think of anything more important than the elementary education of the children. That is the foundation of everything. If you don't put in a good foundation, you have nothing to build on. Pay attention to your elementary schools all over the land. Put the foundation in. The children afterwards can put any superstructure they wish.

I have not heard one word spoken today of the home. To me the home is the center. If the children are not properly trained and looked after in the home, you will never have good citizens.

When we come to the next question raised by Miss Connolly—and that is the suffrage question—of course there are two views on that question. Now I don't want any misapprehension. There is not any person that believes more in giving women the vote than I do. But the women must not overlook some of the points about it. What I claim is this, that a good woman is as good as any man, but the vote won't make a woman any better than she is. It did not make men good and it won't make women good.

The Chairman: What can we derive as the net results of this rather broad discussion?

Miss Connolly's address and the report of the committee dealt almost wholly with the problems relating to the work of the schools in training citizens. In this discussion, based on the morning's program, emphasis has been placed on woman suffrage, evening schools for foreigners, the wider use of the school buildings as social centers, the home, the retention of children in school for a longer period, vocational education, the initiative and the referendum, the newspaper press, provision for the creature welfare

of the people—all as factors in the process of training the people for efficient citizenship.

Have we digressed fruitlessly from the theme of the morning's program? Not necessarily. In my opening remarks this afternoon, I called attention to the fact that the school is but one of the many agencies that are inevitably training for citizenship, good or bad. In my report this morning, I recognized the fact that every improvement secured by this league was educational work of the highest value, since one of the chief factors in civic education is "the common heritage of civic conditions, civic habits and civic ideals."

The discussion has been fruitful if it has tended to emphasize one fact and if it has not obscured another fact. The fact that the discussion should have emphasized is that the school is but one of many factors contributing to the training of citizens, and that completely successful work on the part of the school is largely dependent on what the other factors are doing. Is the school one of many factors that are all working together in the interest of better citizenship, or is it under the necessity of counteracting deficiencies or inefficiencies on the part of the other factors? To what extent are the school and the home pulling together in the development of efficient citizenship, or to what extent is the school handicapped by the necessity of overcoming untoward civic influences in the home? To what extent does the "common heritage of civic conditions, civic habits and civic ideals" provide a favourable environment for the civic work of the school, or to what extent does this heritage tend to undermine the habits and destroy the ideals that the school attempts to nourish and cultivate? What chance has the school to develop in the child a proper attitude toward public health or public safety, if he lives in an atmosphere of apparent disregard for either? What hope is there in teaching the benefits of efficient government, if the community seems to be satisfied with governmental inefficiency? In other words, the citizen interested in the efficiency of the schools in the training of citizens needs to bear in mind that that efficiency depends in large measure on the influence of other factors over which he, as a citizen, may have some control. The school must not be made to bear the entire responsibility for its defective product.

On the other hand, the fact that must not be obscured by this discussion is that the school *is* one factor and a peculiarly fundamental factor in this process of training citizens. One of the most significant features of this Toronto meeting is the frank recognition of the work of the school in training citizens as a proper object of interest and activity of the league.

As Dr. Wilcox has said today, we must begin at both ends of the problem. He has also called attention, in another place, to the paradox that "no absolute social salvation can be brought about unless the children can be reached, while the only possible way to reach the children is through the grown people." It is equally true that one of the most effective ways of reaching the grown people is through the children.

It is in recognition of these facts that the council of the League at its meeting yesterday, approved the plan, proposed by the committee on civic education, to develop a department of the League for the promotion of more effective and more vitalized civic training by the schools and by other agencies.

### Thursday Afternoon Session

*City Hall, November 13, 1913, 3 p.m.*

Vice-President Camillus G. Kidder, in the chair.

Mr. Kidder: In the year 1896 there was a committee formed which is known in the liquor annals as the "Committee of Fifty," of which Seth Low was chairman. It found that 5 per cent of the adult men are confirmed drinkers, what

in the parlance of the saloon are called "rounders," men who drink too much, with whom it is a disease. About 20 per cent are total abstainers, not all of them prohibitionists, but men who never touch alcohol on any pretense. They found that 25 per cent are moderate drinkers, men for instance who habitually take a glass of wine with meals, like the old fashioned, and that about 50 per cent are occasional drinkers.

It is perfectly obvious that in getting up any movement one way or the other, we have got to interest this 50 per cent, this neutral element of the occasional drinker. One of the conclusions of that committee was that so far no legislation whatever has had the slightest effect on the cause of temperance. Now that seems very strange to a man from Maine, but what they had in mind was that temperance is deliberate abstinence from liquor. If you make it impossible for a young man to get liquor in any form, he may or may not be temperate when the temptation is before him.

The National Municipal League is concerned with this liquor question, not as a matter of morals, but solely as an economic question, and partly as a political one, as bearing upon the government of cities, and some years ago it was decided that the League would form a committee to continue the work of the Committee of Fifty, to build upon that as a basis, and endeavor to lay before the people of the country conclusions based upon wide experience by perfectly impartial men, and that these conclusions would form a basis for effective legislation. That committee recommended that the first thing to be undertaken was the discussion of the license question, what authority should directly control the issue of licenses, which is a very important question as a matter of city government. Then later a committee was organized that has not gone far. But in the meantime at the instance of the Russian Government, an International Committee has been formed to consider this subject.

Upon that international committee are some of the most prominent and best men in France and Switzerland and Belgium and in Austria and in England, and the matter was referred to the league in this country to nominate members of the American section. That American section has been formed and Ex-President Taft of New Haven has been made president. John Koren, is Secretary, and has attended two meetings abroad. A program has been settled upon and especially for the American section, and of that program one clause especially fits the work that this league committee is to undertake.

Now I have great pleasure in introducing to you John Koren, who did some of the best work for the Committee of Fifty, as secretary of the international committee, who has recently been in Paris at the organizing meeting of that section, and those who have read the October number of the NATIONAL MUNICIPAL REVIEW and have read his article upon it, will certainly have some rudimentary idea of the application of the question in the United States.

Mr. Koren then addressed the league on the subject, "The Status of Liquor License Legislation."[1]

MR. KOREN: I believe that conditions are not only as bad as I have talked of, but really worse. It is because of that belief we have banded together for the purpose of seeing whether it is not possible to find some better way than the one we have been taking in the United States. There is a large amount of work to be done and it is because the problem is a municipal one that it is eminently proper for this league to make it an object of attack. How far we may succeed, whether we may be able to do anything, depends not so much upon our willingness and eagerness, but upon the degree to which the international committee is willing to support. It is not the

[1] See NATIONAL MUNICIPAL REVIEW, vol. ii, p. 629. This article was the basis of Mr. Koren's address.

work of weeks, but rather the work of months or years. It has taken many generations to build up the structure we have, and it will take us some little time to find out in what respect that structure is weak.

Mr. F. S. Spence: I had no special idea of being called upon to discuss this question, but since you have mentioned my name I think I can perhaps occupy in general terms the five minutes that you are limiting people to. In doing so might I just say to begin with that, while Mr. Koren and I would approach this subject from altogether different standpoints, we would practically be in perfect agreement upon nearly everything that he has said. The paper outlines in a splendid form the difficulties that face a community that proposes to deal with this evil on the line that Mr. Koren proposes —permanently—and that, all of us will have to agree, must be applied to it temporarily in all communities of a very large size for some time to come. He suggests that we capitalize experience. Now that has to be done in this question as in other things. He did not mean it to apply to this particularly. He has also very cautiously and wisely warned us against experimentation. A good reformer has to be first a good conservative and to understand the reasons that exist, the history that lies behind it, the merits of the various operations, before he can suggest anything for it.

There are one or two cardinal features in connection with drink that we have had some experience with in this province. In the first place may I say, sir, that in this community the liquor traffic is not a municipal problem—it is not a municipal problem in the meaning that the municipality has anything to do with it. In the province of Ontario there is no municipal organization as such, no municipal council that has anything to do with the liquor traffic in any shape or form, and I think we have succeeded—not perfectly, because we found the difficulties that he has spoken about, relative to enforcing liquor laws—there are always great difficulties in that—but I think the peculiar difficulties here have caused less trouble than in any other place. Now I want to point out the difficulties. We deliberately abandoned city interference with the liquor traffic after trying it for a long time. By the statute law of this province no man who holds a liquor license is eligible for a municipal position. A liquor seller, if he carried it on, must cease to have anything to do with the city government. Now then the administration in the city of the license law is purely a state matter in this province. The peculiar advantage we have in law enforcement may not be practical in the United States at all. It arises to a certain extent out of fundamental differences in British and American methods of government, and one of those differences is this, that in the inception of your organization of government you discriminated between the two functions of legislation and administration and decided they were absolutely adverse and should be dealt with separately, a principle that you have been carrying out in your city, state and community until you have got down to the commission idea and put legislation and administration power into the hands of a commission. Up to that time you kept them separate. In the United States no power that makes laws has anything to do with the carrying out of them. Your representative is not responsible to the house of representatives, but to the people he represents, and the house is not controlled by the president, although he exercises a great deal of influence.

Now we get away from that thing in this community by working out what we call the responsible idea of government, and what we mean by that is that every man who is charged with the administrative side of law must have a seat in the legislative body that enacts the law and be responsible to the men who make the law for the way it is carried out. Consequently we have cabinets. Take for example the Province of Ontario, the

British, or the national Canadian parliament. We have a minister of agriculture, we have a minister of finance, of one thing or another, all carrying out that particular branch of government, but every administrator must have a seat in the legislative body, and if he looses that seat, he looses his administrative position. The result is that every administrator in the Province of Ontario sits in the body of legislators that makes the laws that he administers and sees that they are carried out properly. The administration of license law is a department of provincial government. The provincial legislature passes the license law and when they come to enforce that license law, they do it by representatives that the provincial government appoints. The way they do it is this, there is a license board of commissioners appointed for every district all over the province. We have some eighty of these. These men are chosen by the government. The provincial head of the license department is responsible in the legislative body for the way the license is enforced. Consequently if a license holder in the province of Ontario were flagrantly disregarding the license law, his political opponents would stand up and say, "Mr. Minister, how is it a man who is under the control of your officers in the western part of this province is not carrying out the law?" and the weight of public sentiment and opinion in regard to the license law is brought to bear in regard to every phase of that law in every part of Ontario.

Therefore to my mind you never will have such a troublesome question as the enforcement of the liquor license law properly carried out as long as it is left to the public sentiment of a locality, because the place where you want the best amount of law enforcement is the place where locally the desire to enforce the law will be weakest, and, without giving advice to the people in the United States, our experience is that the method of the absolute control of the liquor traffic through men who are responsible to the central government is best, because that central government is responsible to the representatives of the people who made the laws.

### THE CITY MANAGER PLAN

Mr. Richard S. Childs: The committee on commission government presented a report two years ago at the Richmond conference. This report is a supplement of that report. In order that you may understand the whole report, I am obliged to read one or two paragraphs of our old report presented at Richmond two years ago. Perhaps first I should for the benefit of Canadians define commission government. In Des Moines for instance, which is a typical commission governed city, the powers of the city are all vested in a board of five men elected at large. Each one of those five acts as a superintendent of a city department, there being five departments in the city.

I may say parenthetically before that the title of city manager was in use in Staunton, Virginia, and Staunton has acquired considerable fame on that account. Staunton has not had the city manager plan, for behind the city manager stands the old style of mayor and council, and the city manager exists there only on sufferance of the suffragists and others.

Mr. Childs then read the report on "The Coming of the City Manager Plan."[1]

In the general discussion which followed the presentation of the above report, Mr. Bradford restated his belief that the city manager plan is so widely different from the commission plan in principle that it should be separately classed and subjected to the test of time before receiving the endorsement of the National Municipal League.

M. M. Worthington who has been for part of the year city manager of Sumter, S. C. (the first charter position of the sort in the country), read a brief statement endorsing the city manager plan in

[1] See National Municipal Review, vol. iii, p. 44.

general terms. Mr. MacKerogow, mayor of Westmount, Quebec, which has a city manager, stated that the plan had been in effect some months there and he believed that it would result in a saving of $25,000. He explained that Westmount was somewhat unique, being in reality a high grade, restricted suburb.

William Dudley Foulke expressed favor for the city manager plan as an ultimate ideal, but had doubts as to the way it would work in a town which was not ready for it. He gave a picture of how he believed it would work in his town, Richmond, Indiana, and pictured the local boss as manoeuvering himself into the office of city manager.

Prof. Lewis J. Johnson, of Harvard pleaded that the preferential ballot in Spokane and Portland, Oregon, had been given insufficient consideration by the committee. He made the same complaint about the initiative and referendum and advocated the Lynn system of election to specific office.

Winston Paul supported the city manager plan on the ground that it would obviate certain difficulties which had arisen in Jersey City, *i.e.*, the difficulty of getting good men to run when they were obliged to abandon their private careers, and the tendency on the part of each individual commissioner to regard himself as supreme in his own department and to resent control by the commission as a whole.

Mr. Childs in closing on behalf of the committee, responded to arguments which had been offered in opposition to the city manager plan.[1]

### Friday Morning Session

*Friday, November 14, 1913, 10 a.m.*

The President in the chair.

The first paper read was on "A Model Municipal Court," by Herbert Harley of Chicago, secretary of the American Judicature Society and a member of the National Municipal League's committee on municipal courts.[2]

The next paper was entitled "Proportional Representation, Preferential Voting and Direct Primaries," by C. G. Hoag, of Haverford, Pa., secretary of the American Proportional Representation League.[3]

This was followed by a paper on "Preferential Voting," by Professor Lewis J. Johnson of Harvard University.[4]

Hon. George B. Burd, state senator, Buffalo, N. Y., then read a paper on "Direct Primaries."[5]

Following the reading of the papers Mr. Hoag conducted an election under the proportional representation plan as advocated by him in his paper and answered sundry questions in connection therewith.

### Luncheon

*Friday, November 14, 1913*

At this luncheon over which Robert S. Binkerd, secretary of the New York City Club presided, the question discussed was "How can a small group of high minded, trusted citizens most effectively influence the voters of a city in concentrating their votes where there are a great many candidates for any one office?" The chairman ruled that under this general topic the following phases would be regarded as pertinent: first, the methods of organizing militant political work in cities; secondly, the effect of preferential voting helping such leadership to concentrate its vote upon the candidates for which it stands; thirdly, the effect of proportional representation upon the same. A very animated and interesting discussion followed, the results of which will be summarized for the

[1] It is the desire of the Editor to have a further discussion of these several most important points in future issues of the National Municipal Review. —C. R. W.

[2] See National Municipal Review, vol. iii, p. 57.

[3] See National Municipal Review, vol. iii, p. 49.

[4] See National Municipal Review, vol. iii, p. 83.

[5] Senator Burd's paper will be digested for a later issue of the National Municipal Review.

use of the League's new committee on political methods and possibly for a future number of the NATIONAL MUNICIPAL REVIEW.

### FRIDAY AFTERNOON SESSION

*Friday, November 14, 1913, 3 p.m.*

The President in the chair.

This session was devoted to a consideration of various phases of municipal development in Canadian cities. The first paper presented was on "Economic Housing in Toronto," by G. Frank Beer, president of the Toronto Housing Company, Ltd., read by Mr. Thomas Finlay. The second paper dealt with "Ontario Municipal Methods," by the Hon. W. J. Hanna, provincial secretary of municipal affairs. The third paper was on "Ontario's Publicly Owned Hydro-Electric System," by P. W. Ellis of the Hydro-Electric Commission. The concluding address was on "The St. Lawrence River and the Great Lakes—Harbors and Navigation" by F. S. Spence, a member of the board of harbor commissioners, Toronto, illustrated by lantern slides.[1]

There was an interesting discussion of several of these papers by the delegates, especially the one on "Economic Housing in Toronto." Following the presentation of the papers A. Leo Weil, Esq., of Pittsburgh, presented the following resolution:

*Resolved*, that the thanks of the National Municipal League are hereby gratefully extended to its hosts, the Mayor and Council of Toronto, to the Board of Trade of Toronto, the Toronto harbor commissioners, the Municipal Improvement Association and the Trades and Labor Council of Toronto for their courtesy and kind hospitality and their promotion of the comfort and enjoyment of all who have attended the nineteenth convention of the National Municipal League.

MR. WEIL: In making this motion I know that I voice the sentiment of all who have attended the meetings in stating that we shall return home with a lively recognition of the pleasure we have had in our brief sojourn in the city of Toronto. Many of us will go home with friendships here formed, and, speaking for the civic secretaries, I may add perhaps the very fastest friends. When we shall return we shall do so with the assurance that while we live on one side of the border and they on the other, we are still one; one with equal hopes and fears, one in our problems and ambitions and ideals, one, I hope, in respect and affection.

The resolution, duly seconded by Robert S. Binkerd of New York, was unanimously carried, the chairman adding: "I am sure there is a great deal of heartfelt meaning behind the adoption of this resolution."

### DINNER

*Friday evening, November 14, 1913, 8 p.m.*

A dinner was tendered the members and delegates of the League by the city of Toronto, his Worship, H. C. Hocken, the mayor of the city, presiding. After formal toasts to the King and the President of the United States, W. P. Gundy, vice-president of the Board of Trade proposed a toast to "Our Guests," which was responded to by the Hon. William Dudley Foulke, president of the League and by W. D. Lighthall, K. C., honorary secretary of the Union of Canadian Municipalities. Mr. Foulke dwelt upon the common interests of the two countries and of the value of studying the municipal problem from the basis of this common interest. He pointed out that they had much to learn from one another. Mr. Lighthall paid a graceful compliment to the work of the National Municipal League, saying:

The address of President Foulke, to which we have just listened, was such a treat, so beautiful a deliverance, uttered with such masterly charm, that I am glad for your sakes that its memory will linger

[1] These Canadian papers will be published in a future number of the NATIONAL MUNICIPAL REVIEW. The discussion of the paper on "Economic Housing" will also be published in the April issue.

undispelled by the quality of any few remarks I have to make.

As one of the Canadian guests I thank the city of Toronto for the opportunity of being present at this magnificent convention—magnificent as an intellectual gathering, magnificent in its assemblage of practical forces, magnificent in the results which will flow from it as they do from each of the gatherings of the National Municipal League. Those of us who attend many conventions know that none are equal in serviceable quality and completeness to those of this great association of the leading scholars, the leading chiefs of reform and the leading practical authorities. I thank this city also for the opportunity given me, as representing the Union of Canadian Municipalities, of rendering the tribute of acknowledgment due by the cities and towns of the Dominion to this League for many valuable services. Let me illustrate by what has frequently happened. One of those brilliant new cities of our west—some of which are already large and well developed and others have a great future—proposes to undertake some particular form of, let us say, commission government, or of referendum and recall. An urgent letter comes to my office from it requesting all possible advice and information. In preparing the answer, one of the first quarters we turn to as a source of reliable and well arranged facts is the publications of the Naional Municipal League. In this way it has had a notable share in forming the basal institutions of many great communities. And speaking for the Canadian cities and towns, I take this occasion also to render thanks to the men who are directing the League and its work. To men like Clinton Rogers Woodruff, the courteous, tireless, honorable, vigorous secretary, the soul and mainspring of the League; to presidents like those devoted and distinguished statesmen, the Honorable Mr. Foulke, and his predecessor Charles J. Bonaparte; to members like Lawson Purdy, the world's greatest authority on taxation; Delos Wilcox, who holds a similar position on franchise; Horace McFarland, whose determined zeal saved Niagara Falls from obliteration by power trusts; Mr. Kidder, Mr. Burnham, and others like them, we pay deep and sincere tribute. There are times when a man's friends should tell him the good things they think of him. Likewise there are times when municipalities should say to men like them what a debt is due to them. And one of those times is *NOW*.

The toast, "City Builders," was proposed by L. H. Clarke, chairman of the harbor commissioners and was responded to by Clinton Rogers Woodruff, the secretary of the League, and by Robert S. Binkerd, the secretary of the City Club of New York. In the course of his remarks Mr. Clarke spoke of the necessity of the community not only controlling but operating municipal utilities, stating that as a result of his study of the question and of his experience, he had changed his views materially upon this topic. Mr. Woodruff called attention to the newer thought involved in modern city building in which not only the relation of the city and of the users and occupiers was considered but of the community as a whole. In other words the idea of the fatherhood of the city had come to be insisted upon to a larger degree than ever before. Mr. Binkerd followed in the same line of thought and showed how the various powers of the city were used to promote the common welfare of the whole community.

The toast, "The People They Build For," was presented by Mr. James Simpson, representing the Trades and Labor Council, in which he contrasted the attitude of European cities with that of American cities toward municipal problems and emphasized the need for social work, especially in the direction of playgrounds and parks and other facilities for the wholesome recreation of the whole people. This toast was responded to by Addison L. Winship, the secretary of the Boston City Club, who described the work of that organization in bring-

ing together all classes of people upon a common basis of fellowship and citizenship.

SATURDAY MORNING SESSION

*November 15, 1913, 10 A.M.*

President Foulke in the chair.

The paper of Richard W. Montague of Portland, Oregon, on "The Oregon System" was presented by the secretary.[1]

Dr. Delos F. Wilcox then presented the report of the committee on franchises.[2]

THE PRESIDENT: The paper of Guy C. Emerson[3] as well as some matters connected with the report of the committee on franchises will be discussed by Winston Paul, secretary of the Citizen's Federation of Hudson County, N. J.

MR. PAUL: My duty this morning is to act more or less as a "devil's advocate" to test the report which has just been presented to see if any holes can be drilled in it. It is such a large report and covers so many phases that I wish to confine my remarks primarily to one particular phase. That is the matter of relative value of local over state regulation of public utilities. The report of this committee is not a report in favor of local regulation and control of public utilities; it is not in favor of doing away with the state control, but it is a report for the combination of these two methods. When I say the effort of the committee is to combine the good points and good parts of both questions, I would point out that in an effort to combine the good points you may possibly be combining the difficulties and obstacles of both regulations. I believe that there are certain cities which cannot properly regulate and supervise their own utilities. There are certain small cities which cannot do it for two reasons; first, because being small cities the utilities there might be a railway service connecting one city or one town up to a group of cities or towns; secondly, because the expense of regulation would be too great. In the cities with which I am familiar, the municipal government would not be an effective weapon for really controlling the situation. In other words, the condition of affairs in our cities would be less effective than state regulation. In the case of large cities I want to point out one fact, and that is this, that it is frequently the case that the corporate limits of the city do not include in its boundaries all the people who are actually dependent on that city for their livelihood and from which city they must come by street railways, and get their gas and electric light. In addition some state regulation would have to be superimposed to take care of the actual residents of that city. So as far as the state commission is concerned, I would point out that this report does not advocate the abolition or doing away with the state commission. It simply suggests the addition of certain local regulation and supervision.

It is said the state could loan its experts to the city, but I would point out that in that event we would find that decisions made by the city would be taken by the people and the public utility corporations to be in effect decisions of the state.

The second thing I would like to call attention to is that any effort to regulate rates or services and anything of that kind must always be by due process of law and this result can be secured just as well by decision of a state board as by a local board. The local board would be under two difficulties, either of being an interested party and of being biased, or else it might be charged that being an interested party it would lean backward.

[1] This paper will be published in full in the April issue of the NATIONAL MUNICIPAL REVIEW.

[2] See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 13, for report on "Municipal Home Rule and Public Utility Franchises."

[3] See NATIONAL MUNICIPAL REVIEW, vol. ii, p. 571.

Mr. Emerson's paper I think shows a very interesting view point on this question as to whether or not we were getting a higher grade of efficiency and maintaining a higher state of efficiency in our public utilities by state regulation than by local regulation. I think Mr. Emerson has very clearly stated the difficulties of getting efficient management in any public utility owned by the municipality. It is so much under the local control, so susceptible to the influence of labor unions who are opposed to efficient management, that it is more difficult in my mind to enforce the high standard of efficient management under local control than it would under state control.

I wish to address myself just to one point very briefly that Dr. Wilcox brought out; that is this, that the corporations are all standing back of the movement for state control. I presume Dr. Wilcox meant that as a reflection upon the state control proposition. I would say in reply to that that it is no more than natural that the public utilities should do that. They naturally prefer one group of regulators to a dozen groups or commissions which may be handing down diverse and different decisions. It is much easier for them to regulate their work in accordance with one fount of authority than with twelve.

In the last place, shall we have local control with home rule, or shall we have state control with efficiency. It seems to me we might be able to steer a middle course between the two and I believe it has been the intention of the committee to do that. At the same time we are stepping on a picket fence with sharp points when we try to divide this responsibility.

Mr. Stiles P. Jones: Minneapolis, I have been on several occasions inwardly moved to break into song during the course of this convention, but have discreetly refrained until this time. On this occasion I must fail. There are two subjects in the course of some years of study and investigation and militant action in municipal affairs, I have found on which people or municipalities in order to draw correct conclusions must have the facts, general facts, fundamental facts and local facts. Those two great subjects are the regulation of the social evil and the regulation of public utilities. In the regulation of the social evil, we find that any man on the street can tell you just what to do with it. In the regulation of public utilities we find a large number of people can tell you off hand just how to do it. We in Minnesota are leading a revolt against the general tendency to take away every vestige of home rule from our cities irrespective of the conditions, political or otherwise, in state and municipality and vest those powers in a state bureau.

We have been working under the name of the Minnesota Home Rule League for six months to obtain the facts. I believe that that organization is the first in the United States of its kind that has organized to obtain facts. Individuals have done so, but I know of no organization. We believe we have such facts on which to base intelligent conclusions. We are prepared to state those conclusions and have so stated them.

We have headed off the movement in Minnesota for immediate action in this question. The state administration backed by the public utility corporations sought to put an act through the legislature of 1913 similar to the Wisconsin act. It failed in both houses. The governor immediately announced that he would call a special session for October to pass the legislation. There was no demand for this from any community or from any disinterested individual in the state. Repeated challenges failed to produce a single community or a single disinterested individual to appear as a proponent. It was a state political machine public service corporation move. In passing let me say that the Minnesota cities in my opinion have achieved the most efficient regulation of public utilities of any cities in the United States.

I think I can challenge any series of cities in the same class in any state in the United States under state regulation rule to meet us in the matter of rates and character of service. Now, that has been achieved through the local legislative body backed by public sentiment. The state itself is the weakest political unit we have, the least influential, the most unbusinesslike, the most corrupt. The cities are the strong units. The Minnesota Home Rule League met the arguments against this proposition, against the special session before the house and senate committee. The senate committee surrendered. A large majority came over to our side simply through the presentation of the facts in the case.

I do not care to go into the details of Mr. Wilcox's paper. In most of its essentials the committee has struck the right note. In some details and important details it has not. In my opinion the committee has left the situation in a very confusing position. When you come to try to justify a mingling of local regulation with state regulation, as Mr. Paul has called attention to, you are in danger. Now, that is the weakest part of the committee's report. I believe they have not cleared up that situation properly. It has left us in the air.

The investigation of the Minnesota Home Rule League covered the whole of the United States with particular reference to Wisconsin which is supposed to have achieved the greatest success in this regard. Those conclusions I am going to read to you. These are not the official conclusions of the organization, but its unofficial conclusions as interpreted and stated by myself. These are short and do not go into many phases of the subject at all.

1. That the corporations to come under the regulation system are in nearly every case the inspiration for the movement for state regulation and largely responsible for this legislation.

2. That they have sought to rule the law and when unsuccessful to modify it as much as possible to their own interests.

3. That they have used every influence to secure the appointment of state commissioners of men favorable to their interests.

4. That they have transferred their political activities from the city to the state.

5. That this legislation has been passed in practically every case without its being an issue with the people and with no knowledge either on the part of the people or of the legislatures of its results in other cities where it has been ineffective. Legislatures have the testimony only of members of the commissions and other interested parties.

Let me say here that in every case (I don't think there is an exception) this legislation has been passed with the people and the legislatures in absolute ignorance and without any demand from any disinterested source. The interested parties have gone to the states picking them off in detail, raising aloft the banner of Governor Hughes of New York, Woodrow Wilson of New Jersey, Bob LaFollette of Wisconsin, saying it is a good thing for these states and a good thing for every state; if men like Hughes, and Wilson and LaFollette will stand for that proposition we ought to, absolutely ignoring the difference in conditions in New York, Wisconsin and New Jersey.

6. That the commissions have been selected with few exceptions without regard to their special fitness for the work to be done, and they are selected with views alone of their political usefulness to the state administrative.

I will state and state decidedly that there is not one commissioner in ten taking the states that have this legislation, who was originally fitted technically for this work.

7. That however general these commissioners when called originally, corporation commissions have eventually come under the control of the public utility interests.

8. That their work generally has been neither scientific nor in the public interest.

9. That on the question of rates and service they generally have failed to serve public interests.

10. That they have developed despotic tendencies and use their power constantly to gain more power until the local communities have lost every vestige of control over their utilities.

That is the situation in Wisconsin today and there is a revolt on in that state.

11. That the effect on local citizenship has been disastrous. The citizen has lost initiative and his capacity for self-government has been greatly diminished.

12. That cities and states under state regulation do not have better service and lower rates than in cities of the same class in other states; on the contrary, paying higher rates and getting inferior service. That is the situation in Wisconsin as against the situation in Minnesota.

13. That the indeterminate franchise, one of the most important features of so many public utility lines is deliberately designed to make existing franchises perpetual.

I might add that our investigations show that one of the main purposes of this legislation is to head off the strong tendency going through the United States towards municipal ownership of public utilities. They have found that is the result in Wisconsin and they believe it will be the result in every state. The time has come for getting facts.

The Minnesota Home Rule League, reinforced by the facts in hand, purposes to call a western state conference in Chicago some time this winter to discuss the various phases of this legislation, to aggregate the information, to get all the light possible, for the first time to find out what the results are to the states both as to rates, services, as to the effect upon the communities, upon citizenship, to aggregate that information and to get facts on which they can draw a conclusion as to a proper course for the future. The Chicago people are intensely interested. The law in that state in its application to public utilities was a blistering outrage.[1]

[1] See NATIONAL MUNICIPAL REVIEW, vol, iii, p. 28.

The Iowa parties are interested also, and from Wisconsin comes the word that they are with us. They have found out where they are drifting and they will join in the movement to get at the facts on which to base a course for the future in this important legislation.

MR. GEORGE BURNHAM, JR.: I want to make one suggestion in regard to Mr. Jones' remarks. I think he said that all the public service commissions had been instituted not from public demand, but really from corporations.

MR. JONES: Practically in every case.

MR. BURNHAM: In Pennsylvania I think that is not so. The commission there was due to a very strong public demand. You will remember the Progressive party carried Pennsylvania. Dean Lewis of the University of Pennsylvania, a very ardent Progressive, framed our law on that subject. We had a public service commission composed of gentlemen who had no power whatever; they simply acted in an advisory capacity. We supposed in Pennsylvania that was a conscious pandering to the public demand. Then in compliance to this public demand we now have a public service commission with such power to fix rates.

MR. JONES: Mr. Burnham, do you know the character of the Pennsylvania act?

MR. BURNHAM: I am not familiar with its details.

MR. JONES: It is the worst law in the United States.

DR. POLLOCK: I would like to confirm what Mr. Jones has said with reference to the New York public service commission. I have watched with great interest the work of the up-state commission and I have been very much disappointed in its operation. I believe most of the people

of the state would gladly do away with the commission if it were possible to do so. It seems that the commission was largely in the hands of the public utility corporations or at least sympathetic, and that an inferior grade of men who are under the control of the bosses, are being appointed to such commissions. During the first year of the operation of the commission we had great hope; they did some good work, but for the last two years their operations have been greatly disappointing. We find that the commission has been over-diligent with petty matters and are more ready to take up the petty things than the larger questions that come before them.

I would like to ask Dr. Wilcox one question, whether he regards the public service commission as the ultimate instrument to control the public utilities, or only as an expedient leading towards ultimate public ownership?

Dr. Wilcox: Personally I go the limit. I believe that time will come when all public utilities, both local and state, will be owned by the public. I believe that the public service commission is a necessary instrument of government to harmonize the operation of public utilities going through different communities in the state. I believe that the public service commission is a necessary instrument of government for the regulation of utilities while they remain in private operation, but that if it fulfills the proper function it will be preparatory to public operation of public utilities.

The league then adjourned sine die.

Clinton Rogers Woodruff,
*Secretary.*